

**CITY OF SWARTZ CREEK
ORDINANCE NO. 406**

AN ORDINANCE TO AMEND ARTICLE II OF CHAPTER 19 OF THE CODE OF ORDINANCES OF THE CITY OF SWARTZ CREEK TO ADOPT NEW REGULATIONS FOR WATER IN THE CITY OF SWARTZ CREEK AND TO REPEAL ALL CURRENT CODE PROVISIONS INCONSISTENT THEREWITH.

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Repeal of Existing Provisions of Article II of Chapter 19.

The existing provisions of Article II of Chapter 19 of the Code of Ordinances of the City of Swartz Creek are hereby repealed in their entirety.

Section 2. Amendment of Section 19-2 of the Code of Ordinances of the City of Swartz Creek.

Article II of Chapter 19 of the Code of Ordinances of the City of Swartz Creek, Michigan, is hereby amended to read as follows:

ARTICLE II. WATER

DIVISION 1. GENERALLY

Sec 19-21. Definitions

Abutting shall mean adjacent to or contiguous to or located immediately across any road, street, alley, right-of-way or easement from the relevant watermain.

Additional Facilities or Structures shall mean any additional construction of buildings or real property appurtenances at a specific location that would create or tend to create additional demand for water service.

Apartment shall mean one (1) or more buildings constructed on a single parcel of property where each building contains at least two (2) living units and the property and buildings are owned by a separate entity(s), and marketed for lease or rental.

Applicant shall mean the person, organization or corporation who requests water service be made available at a specific location, applies for the required connection permit, pays the required connection charges and agrees to pay for such service at that location. (Also see "Customer")

Approval shall mean the official grant of permission by, or acceptance of, the County Agency, State of Michigan, or the City of Swartz Creek, by signature of the duly authorized representative(s).

Authorize shall mean to give preliminary, but not final, approval of, or permission for, a specific action.

Backflow shall mean water of questionable quality, wastes, or other contaminants or pollutants entering a potable water system from any source other than its intended source due to a reversal of flow.

Backflow Preventer or Backflow Prevention Device shall mean a mechanical device or piping arrangement which is installed on the customer's side of the water meter to prevent the reverse flow of water from the customer's water facilities into the potable water system.

Back-Pressure shall mean a type of backflow occurring when the customer's facilities are connected or subject to a pressure source in excess of the operating pressure of the potable water system thus allowing undesirable and questionable quality water, wastes, or other contaminants or pollutants to be pumped back into the potable water system.

Back-Siphonage shall mean water of questionable quality, wastes, or other contaminants or pollutants entering a potable water system from any source other than its intended source caused by a sudden reduction of pressure in the potable water system.

Brokerage shall mean the act of marking-up the established water rate to ones tenants for the purpose of receiving a commission or making a profit.

Building shall mean any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, vehicles, goods, merchandise, equipment, materials or property of any kind. This definition shall include, but is not limited to tents, lunch wagons, dining cars, trailers, mobile homes, sheds, garages, barns, car ports, animal kennels, store rooms, or vehicles serving in any way the function of a building described herein.

Building Water Service Line shall mean the pipe from the watermain to the premises served whose purpose is to provide water service to any building or structure, and is also sometimes referred to as "Water Service Line", "Service Line", or "Service Lead".

City shall refer to the City of Swartz Creek, a governmental corporation in the State of Michigan.

City Council shall refer to the legislative body of the City of Swartz Creek.

Combined Fire and Domestic Service Line shall mean a building water service line whose primary purpose is to supply water for general consumption and usage, but which also supplies water for fire protection.

Commercial User shall mean any user whose premises is used to offer services and/or products such as retail and wholesale stores, gasoline stations, car washes, restaurants, schools, churches, hotels, motels, nursing homes, public and private clubs, theaters, governmental buildings and institutions.

Commodity Charge shall mean the wholesale or retail charge per unit volume of water.

Condominium shall mean a development consisting of not less than two (2) living units, which is established in conformance with Act 59 of the Public Acts of Michigan.

Connection Charges shall mean a general term referring to the specific development charges that must be satisfied in order to receive water service. Water connection charges include connection permit fees as established by resolution of the Swartz Creek City Council and Genesee County, and applicable service tap and meter installation fees which cover the cost of tapping the watermain, installing a corporation stop-cock, installing a copper service line from the main to the road right-of-way line, installing a curb stop and box, and setting the meter and remote device.

Connection Permit shall mean the document used as an application for water service and, if authorized by Swartz Creek City and issued by the County, shall serve as the approval for connection to a public water supply system.

Consumer shall mean the person or persons who actually receive and utilize water service at a specific location, but shall not necessarily be the applicant, customer, or property owner.

Contamination shall mean an impairment of the quality of the potable water by wastewater, industrial fluids, or waste liquids, compounds or other materials to a degree, which could create an actual hazard to the public health through poisoning or through the spread of disease.

Corporation Stop shall mean a valve ranging in size up to 2" in diameter inserted in the watermain for connection of the water service line.

County shall mean the Genesee County Drain Commissioner's Office - Division of Water & Waste Services. (Also see "Division")

County Agency shall mean the Genesee County Drain Commissioner.

County Capital Improvement Fee or CCIF shall mean the charge for connection to the County Water System, which is set in the amount of \$1,000.00 for each unit of connection.

County Water System shall mean the water transmission and distribution system operated and maintained by the County through the County Agency consisting of authorized personnel, water source, plants, equipment, works, instrumentalities, lines, properties and appurtenances now or hereafter existing, used or useful in the obtaining of a water supply, its production, treatment, distribution and all other necessary functions.

Cross-Connection shall mean any unprotected connection or structural arrangement of piping or fixtures between a public or a customer's potable water system or any other source or system through which it is possible to introduce into any part of the potable water system any water of questionable quality, wastes, or other contaminants or pollutants.

Curb Stop shall mean the valve which is part of the water service line and is located at or near the road right-of-way line, property line or easement line, and is operated by City personnel or authorized personnel of a municipality responsible for the operation and maintenance of its water system.

Curb Stop Box shall mean an approved cast iron or ductile iron housing, which encloses, protects and provides access to the curb stop.

Customer shall mean the person responsible for payment of all water service used at a specific location, and is further defined as the person who requested that water service be made available at the specific location, applied for the required connection permit, paid the required connection charges and agreed to pay for such service at that location (see Wholesale Customer & Retail Customer).

Customer's Installation shall mean all pipes, shut-offs, valves, fixtures, equipment and appliances of any kind and nature forming a part of an installation for utilizing water service. Customer's installations are located on the customer's side of the point of delivery, whether such installation is owned outright by the customer or is used by the customer under lease or otherwise.

Degree of Hazard shall mean the likelihood of incidence occurring based on the type of connection and hazards present. Degree of hazard shall be classified as "Low", "Medium" or "High".

Detector Check Valve shall mean a single or double check valve equipped with a bypass and meter to detect leakage or unauthorized use of water.

Developer shall mean any person or legal entity engaged in developing or subdividing land for residential, commercial or industrial use.

Development shall mean a subdivision, condominium, apartment complex, mobile or manufactured home park, commercial, office or industrial park or complex, PUD, etc. In addition, development shall refer to any land development project undertaken by a developer for residential, commercial or industrial use as well as the act of improving or developing property for residential, commercial or industrial use.

Director of Public Service or Director shall refer to the Director of Public Service of the City of Swartz Creek or another duly authorized official carrying out the duties of the office of the Director of Public Service.

Division shall mean the Genesee County Drain Commissioner's Office - Division of Water and Waste Services.

Domestic Service Line shall mean a water service line whose primary purpose is to supply water for general consumption and usage. Also see Building Water Service Line.

Dwelling shall mean a living unit, house, mobile or manufactured home, apartment or building used primarily for human habitation. The word dwelling shall not include hotels, motels, tourist courts or other accommodations for transients, nor shall it include dormitories, rooming houses, business or industrial facilities.

(1) *Single Family* shall mean a building containing not more than one (1) living unit on a single lot, or a living unit within a multi-family development where each living unit is constructed on a separate lot. Mobile and manufactured homes are considered single-family dwellings.

(2) *Multiple-family* shall mean a building, which contains two (2) or more living units.

Extension shall refer to new water system facilities constructed from the existing water system to enable the provision of water service and/or fire protection.

Fire Hydrant Assembly shall mean the fire hydrant, auxiliary valve and box, and 6" or larger supply line connecting the fire hydrant to the watermain.

Fire Protection Connection Line shall mean the water service line extending from the public water system to a customer's building and which supplies an automatic sprinkler system or fire suppression system. Point of delivery for fire protection connection lines shall be at the road right-of way line or at the limits of the easement when an easement is granted.

Franchising shall refer to the making or securing of contracts for the delivery of water service through the facilities of the public water supply system to any municipality by anyone other than the City.

Industrial Fluid shall mean a fluid or solution, which may contain chemical, biological or other contaminants or pollutants in a form or concentration that would constitute a health hazard or create an aesthetically undesirable condition if introduced into the potable water system.

Industrial User shall mean any user whose premises is used for manufacturing, or as a processing facility, or that is engaged in producing a product.

Intermediate Transmission Lines shall mean those pipes generally 12" to 16" in diameter, which not only transport water to one or more local service areas, but also provide local service in one or more service areas.

Local Distribution Lines shall mean those pipes generally 6" to 12" in diameter, which serve the abutting properties within a local service area.

Master Meter Pit shall mean the below grade concrete vault or structure which houses an approved compound, turbine or magnetic flow master meter, piping, fittings, by-pass line, valves and related equipment and appurtenances.

Master Metered Customer shall mean a customer or municipality who receives its water through a master meter and is responsible for the operation and maintenance of all water system facilities supplied through the master meter.

Meter or Water Meter shall mean the measuring device installed to accurately measure and register water used by a customer.

Meter and Strainer shall mean the measuring device installed to accurately measure and register water used by a customer and the device that is installed on the water line in advance of the meter whose purpose is to collect any debris that may be coming from the water supply line prior to entering the meter.

Meter Pit shall mean that structure that is used to enclose the meter, meter set and all devices related to the strainer, meter or recording device. The meter pit shall be constructed and installed according to the County's standard details.

Meter Set Plumbing shall mean the fittings, connections, and valves adjacent to the water meter including the inlet valve, outlet valve, and the couplings, nipples and spacers necessary for a complete meter installation, but does not include the meter.

Meter Tampering shall mean when any person shall willfully alter, injure, or knowingly permit injury to any water meter or other measuring and recording

apparatus in such a manner as to cause loss or damage or otherwise interfere with its ability to correctly and accurately measure and register water consumption; or to remove or by-pass the water meter or make any connection upstream of the meter for the purpose of using water without the consent of the City such that the consumed water will not be measured and reported for payment.

Mobile Home or Manufactured Home Park shall mean a parcel of property zoned under the provisions of the applicable local zoning regulations whose allowed and recognized use is the business of renting spaces or lots upon which mobile or manufactured homes are placed and occupied as single family dwellings, and shall include any associated and allowed laundry, recreational and common facilities incidental thereto.

Municipality shall mean a local unit of government including cities, townships and villages. This term generally refers to the City of Swartz Creek unless otherwise stated.

Non-Potable shall mean water, which is not safe for human consumption or which is of questionable quality.

Off-Site Facilities shall mean primary transmission lines, intermediate transmission lines or local distribution lines and related facilities which must be constructed in order to connect the on-site facilities of a new development to the nearest point in the public water supply system at which adequate capacity is available to meet the requirements and demands of the development.

On-Site Facilities shall mean watermains, service lines, fire hydrants, and appurtenances installed within a residential, commercial, or industrial development. It includes those facilities in peripheral streets and easements constructed wholly or in part for use by the development.

Person shall mean any individual, firm, partnership, association, society, company, group, public or private corporation, public agency or instrumentality.

Point of Delivery shall mean the location where the customer receives water from the public water supply system. The point of delivery for water service is at the water curb stop and box, which will normally be located at the road right-of-way line or easement line. Point of delivery for master metered customers shall be immediately upstream of the master meter pit.

Pollution shall mean the presence of any foreign substance in water, which tends to degrade its quality, so as to constitute a nuisance or be aesthetically objectionable, but which does not constitute a health hazard.

Potable shall mean water, which according to recognized and established standards is safe and suitable for human consumption.

Premise shall mean each lot, parcel of land, or building having any connection to the water system.

Pressure Relief Valve shall mean a device designed and intended to reduce the force by which water enters the plumbing system of a building, which valve must meet the specifications for design and installation prescribed in Appendix P.

Primary Transmission Lines shall mean those pipes which are generally 20" diameter and larger, whose only function is to transport water to and through one or more local service areas and to which building water service lines are not permitted unless authorized by the Director of the County System.

Private Water System shall mean a non-municipally-owned system of water pipes, valves, fittings and equipment used to distribute water within a specific service area, such as within a manufactured home park.

Property Owner shall mean the person who is shown as the taxpayer of record for a particular premise.

Public Water Supply System shall mean the County Water System and all municipally operated and maintained water systems, which are connected directly or indirectly to the County Water System.

Remote Device shall mean an electronic device usually installed on the exterior of a building and used to obtain meter consumption readings by authorized representatives of the City.

Residential User shall mean any user whose premises is a domicile for single or multiple family use.

Retail Customer shall mean any residential, commercial or industrial user of the City that purchases water from the City and is billed for water service at the rate established by resolution of the City Council.

Secondary Water Supply shall mean any water supply on or available to a premise other than the approved public potable water supply. These secondary waters shall include, but are not limited to, water from another purveyor's potable water system, or any natural source(s) such as wells, springs, rivers, streams, etc. These waters may be polluted or contaminated or they may be objectionable and constitute an unacceptable water source over which the City does not have sanitary control.

Service shall mean the readiness and ability on the part of the City to furnish water to the customer on demand. The maintenance of minimum water pressure of 20 pounds per square inch at the point of delivery shall constitute the rendering of

service, irrespective of whether or not the customer makes use thereof. Service shall also mean the act or method of providing or supplying water or making water available for use by the customer.

"Shall" is mandatory, "May" is permissive.

Straight Piping shall mean the act of installing a piece of pipe in the meter set plumbing at the location where the meter would normally set for the purposes of using unmetered water. Straight piping is a form of meter tampering, which results in water theft. Curb box is to be in "off" position until meter is set.

Subdivision shall mean a division of a lot, parcel or tract of land into two (2) or more lots, plots or sites for the purpose of sale, rent, lease, building development or other use.

Tap or Tapping shall mean the drilling and threading of an opening in a watermain for the insertion of a corporation stop-cock.

Tenant or Renter shall mean someone who pays rent to use land or a building that is owned by someone else on the public record.

Used Water shall mean water which has passed through the service point of delivery of the public water supply system and which is no longer under the sanitary control of the purveyor.

Wastewater shall mean the liquid and water carrying industrial or domestic waste from dwellings, commercial buildings, industrial facilities and institutions together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the wastewater collection system.

Watermains shall mean primary and intermediate transmission lines and local distribution lines.

Water System or Potable Water System shall be a general term referring to the entire public water utility system that services the needs of the customer, including transmission, distribution and fire protection lines, storage facilities, pumping facilities, meters and metering devices, and all other related appurtenances incidental thereto.

Wholesale Customer shall mean any municipality that purchases water from the County Agency for resale to the retail customers within its jurisdiction, and is billed for water service at the applicable wholesale water rates established by the County Agency. The City of Swartz Creek is a wholesale customer.

Sec. 19-22. General Prohibitions

(a) *Unauthorized Use of Water System Prohibited.* No unauthorized person shall uncover, tap, make any connection to or otherwise use the public water supply system or appurtenances thereof without first obtaining a permit from the City.

(b) *Tampering With or Altering Water System Prohibited.* It shall be unlawful for any person to meddle, tamper with, alter, deface, or make changes to any public water supply system facilities or appurtenances thereof including the building water service line to any premises, or any building plumbing fixtures ahead of the meter, or to interfere in any way with a meter or meter set plumbing.

Should it appear that water has been stolen by way of altering any piping, unauthorized connections, straight piping, meter tampering, or otherwise, the City shall have the right to discontinue service until all defects, alterations, and tampering have been corrected, and appropriate compensation and restitution has been made by the offending person.

When a water meter is found to have been tampered with or unmetered water has been otherwise diverted or used, the customer shall be billed at the current commodity rate for the estimated unauthorized volume as determined by the City. The consumption shall be estimated on the basis of previous consumption records or any other appropriate basis at the discretion of the City in accordance with generally accepted utility practices.

(c) *Unauthorized Operation Prohibited.* No person shall operate any valve, fire hydrant, pump, blow-off, flushing connection, curb stop, meter by-pass or other water system facility unless authorized or permitted to do so by the City. Fire hydrants may be operated by fire department personnel for emergency use and related fire prevention activities.

(d) *Interconnection of Private Water Systems or Secondary Water Supplies to Water System Prohibited.* No person shall interconnect or permit the connection of any private water system, community well, or secondary water supply to the public water supply system unless authorized to do so by the City & County.

(e) *Supplying Separately Owned Properties or Multiple Buildings Through Single Meter Prohibited.* Separately owned properties shall not be supplied with water through a single meter. Separately owned properties shall not be supplied through a privately maintained distribution system, if public water supply is available. Each building or structure on the same property must have its own domestic meter and domestic service line to the watermain unless special arrangements have been approved by the City. Any property discovered to have two (2) or more buildings supplied by a single water service line and meter shall be immediately corrected by the installation of separate domestic service lines and meters at the property owner's sole cost and expense unless the local municipality shall authorize such non-conforming service to continue.

This section shall not, however, prohibit single metering of property owned as a cooperative, condominium, mobile or manufactured home park, or apartment complex as long as service is provided to and metered on common property and there is a legitimate association or corporation to apportion, collect and remit all fees and charges and accept notices. No such corporation or association shall charge or collect from unit owners more than the rates and charges established by the local municipality, plus actual administrative costs.

(f) *Construction of Watermains, Hydrants, and Related Facilities and Appurtenances Without Required Plan Review, Approval and Permits Prohibited.* No person shall commence construction of any watermains and related water system facilities and appurtenances which are intended to be connected either directly or indirectly to the public water supply system until plans and specifications for such improvements have been submitted to, reviewed by, and endorsed "Approved" by the City, and until all necessary easements and all applicable permits of any kind and nature have been issued for such improvements, and inspection and permit fees have been paid.

(g) *Cross Connections Prohibited.* No physical cross connection shall be installed or maintained on any lines carrying potable water from the public water supply system. Any pipes, pumps, tanks, equipment or facilities supplied from or with the potential of being supplied from any non-potable source shall be suitably protected against the backflow of pollutants or contaminants by means of City approved backflow prevention devices.

(h) *Brokering Prohibited.* No person shall mark-up the established water rate to one's tenants for the purpose of receiving a commission or making a profit. The only mark-up that is allowed is that to cover reasonable costs for meter reading, billing, and administration.

Sec. 19-23. Service Applications

(a) *Connection Permits.* A person desiring to obtain water service from the public water supply system shall first apply for the required water connection permit to the City.

If the availability of water service to the premises is confirmed, the applicant shall pay all municipal connection permit fees in accordance with the fee schedule as established by resolution of the City Council. The authorized application for a connection permit shall then be submitted to the County for review and, if approval is given, the connection permit shall be issued by the County. No connection permit shall be issued unless all applicable CCIF have been paid. If a B-Permit for connection is issued prior to the paying of the CCIF, the applicant shall be responsible for the fees.

(b) *Service Tap and Meter Installation Fees.* It shall be the applicant's responsibility to ensure that a meter has been installed and service initiated by the City before utilizing any water service or facilities.

(1) *Connection & Meter Fee.* After obtaining the required connection permit, an applicant for water service shall present the connection permit to the City and pay the required service tap and meter installation fee which covers the City's cost of tapping the watermain and installing a service line from the watermain to the road right-of-way line (point of delivery), and for furnishing and installing the water meter and remote device after the customer's installation has been satisfactorily completed and connected. Service tap and meter installation fees shall be the actual cost of installation and materials to the City. After receiving the appropriate service tap and meter installation fees from the applicant, the City will arrange for the installation of a watermain tap and service line from the watermain to the customer's property line (road right-of-way line) and install a curb box and curb stop. The customer's installation shall connect at the curb stop. After the customer's installation is satisfactorily completed and connected, the customer or the customer's contractor or plumber can request the City to install and wire the meter and remote device by scheduling such installation 48 hours in advance.

(2) *Capital Improvement Fee.* Before any property receives a permit to connect directly or indirectly to the water system Capital Improvement Fees are to be computed and paid to the City and County according to the Residential Equivalent Units. A single-family residence is equal to one unit. These fees shall be set by resolution of the City Council.

(c) *Application for Water Service.* Whenever a private system with private services (such as mobile home park, condominium association, or other entity) has a single water service line and meter supplying the premises, the account shall be made in the name of the mobile home park, condominium association, or other entity. Water service shall not be provided until the entity files with the City written proof of its legal authority to apportion, collect and remit all fees and charges, and accept notices. The entity must also provide evidence of its legal authority to operate the private water distribution system. The applicant must also certify in writing that adequate arrangements have been made to enable the City to install an outside remote device.

(d) *Franchise Agreements.* The property owner of any premises situated in an adjacent municipality which fronts a border-line road between the City and the other municipality or which abuts the boundary line between the City and another municipality may request to be provided water service by the City provided that the municipality within which the premises resides does not have water system facilities available to service said premises.

Before any premises in an adjacent municipality can receive water service by the City, both municipalities must approve such an arrangement by formal resolution of

their respective governing boards, and an appropriate Franchise Agreement covering all terms, conditions and cost of such provision of service must be executed by each municipality, the property owner, and the County Agency. No franchise agreement for water service shall be executed without the consent and approval of the County Agency.

(e) *Change in Occupancy or Ownership of Premises.* When a premise is to be vacated, or when there is to be a change of ownership thereof, the property owner shall be responsible for contacting the City and requesting a shut-off of service and closing of the customer's account. When such a request is made in writing, the City will make a final meter reading and prepare a final billing for the customer. The new property owner shall be responsible for contacting the City and making arrangements for water service to be reactivated.

If a tenant wishes to close their account and/or shut off the water to the premises, they must notify the City in writing. The City then reserves the right to pre-authorize any such service or account termination with the owner of the property. The customer or property owner shall pay a service termination fee, which fee shall be in accordance with the schedule of rates and charges as established by the City Council.

Sec. 19-24. Billing Practice

(a) *Bills to Retail Customers.* Retail customer billings, which are prepared by the City, are rendered quarterly. Such bills are normally mailed out on the first of the month and are due and payable twenty (20) days from the date of billing. All remittances by mail must be received on or before the due date to entitle the customer to pay only the "net" amount. When the due date falls on a legal holiday, Saturday or Sunday, the net amount will be accepted on the first business day following.

(b) *Late Payment Charges.* *For all bills not paid when so due, a penalty of four percent (4%) of the amount of such bill shall be added.* Late charges shall be assessed on the amount of the bill that is past due, and interest shall be compounded quarterly. Failure to receive a bill shall not entitle a customer to pay the net amount unless it can be shown from the County's or municipality's records that the bill was not sent or that an error was made in processing the account or the bill. A dispute over the amount of any billing shall not relieve the customer from making payment when payment is due, and will not entitle the customer to a waiver of any late charges for failure to make payment by the required due date unless the municipality shall authorize the customer to withhold payment pending the issuance of a revised bill. It is the customer's responsibility to inform the local municipality of any changes in their billing address and phone number.

(c) *Base Rate for Water Service.* The retail rates to be charged and collected by the City for water furnished to customers shall be in accordance with the prevailing schedule of rates and charges as developed by the City and modified

from time to time by resolution of the City Council. This rate shall include a fixed readiness to serve charge and incremental retail rate based upon consumption.

(d) *City, Other Entities Not to Receive Any Free Service.* No free service shall be furnished by the system to the City or to any persons, entity, public or private or any agency or instrumentality, except for unmetered emergency fire flows. The City shall pay for all the water used by it at the rates established by resolution of the City Council.

(e) *Estimated Bills.* If a meter reader cannot obtain a meter reading at a premises on the regular reading date for any reason, or if the meter shall fail to register properly, an estimated bill shall be sent. The water charge shall be estimated based upon actual consumption in a comparable billing period(s) in preceding years or determined by computing the average daily consumption for the period the meter was in operation and extending the average for the entire period. If there is no reliable history of prior use at the premises served by the defective meter, then the water charge shall be estimated based upon the average daily consumption for a period of days of service after the meter's repair or replacement and extended back to the beginning of the previous billing cycle. The water charge for periods less than a full billing period shall be prorated according to the number of days for which service is provided.

(f) *Reporting Excessive Water Bills.* Retail customer inquiries concerning excessive water bills or bill disputes must be made to the City in writing. If required, a representative of the City will visit the premises, verify the meter reading, inspect the meter and attached valves for leaks, review historical consumption history, and report its findings to the customer. Inquiries and subsequent corrections may be requested for a time period not to exceed eight (8) quarterly billing cycles. No allowance or adjustment to any water bill shall be made for leaks of any nature occurring on the customer's side of the point of delivery.

(g) *Bill Adjustments.* When it has been established that a customer's water bill is in error resulting in an over-charge or under-charge, the required billing adjustment (credit or debit) will be made on the customer's next bill, unless the City finds that a gross error (+or- 100% of the last years' average bill) has occurred and agrees that a revised bill should be rendered. The City shall have the authority to issue credits or make adjustments to its retail customers' bills.

(h) *Back Billing for Service Rendered.* Whenever water service has been furnished to a premise and the City either has not rendered a bill for service or the bills rendered do not reflect the full service provided, a back bill shall be sent to the customer. Where the responsibility for the improper billing is solely that of the City, the period for which the back bill is computed will be limited to two (2) years preceding the date that the error or omission is discovered, and the rates used in computing any back bill shall be those in effect at the time that service was provided.

However, if the customer, by its actions or lack thereof, or the actions of any of its contractors, plumbers or agents or lack thereof, is partially or wholly responsible for the inaccurate billing, then the period for which the back bill is computed shall be up to six (6) years preceding the date that the error or omission is discovered. Likewise, should it appear that water has been stolen by way of altering any piping, unauthorized connections, straight piping, meter tampering or otherwise, the customer shall be back billed for the estimated water consumed. Such unauthorized consumption shall be estimated on the basis of previous consumption records or any other appropriate basis at the discretion of the City in accordance with generally accepted utility practices, and such unauthorized consumption shall be billed at the current commodity rate for the estimated unauthorized volume as determined by the City. Water service may be terminated to any premises where water theft has occurred. Service shall not be restored until all charges including fines, penalties, turn on and turn off charges and estimated water usage and related charges have been paid to the satisfaction of the City.

(i) *Termination of Service for Non-payment.* The City shall have the right to terminate water service to any retail customer for non-payment of its water bill. Upon termination, service will not be restored until all past due balances are paid. Applicable turn-off and turn-on charges will be assessed to the customer or property owner.

Should it appear that water has been stolen by way of altering any piping, unauthorized connections, unauthorized operation, straight piping, meter tampering, or otherwise, the City shall have the right to discontinue service until all defects, alterations, and tampering have been corrected, and appropriate compensation and restitution has been made by the offending person.

(j) *Enforcement of bill payments.* Pursuant to state law, including without limitation, the provisions of MCL 141.121, the charges, including any penalties or interest thereon as provided for in this article, are hereby made a lien on the premises to which said charges apply. Whenever any such charge against any such premises shall be delinquent for six months or more, the City shall certify annually by April 1 of each year to the city assessor the amount of such delinquency. Upon such certification, the city assessor shall enter the charges upon the next tax roll as a charge against the premises to which the services shall have been rendered, and such charges shall be collected and the lien enforced in the same manner as provided for the collection of general city taxes; provided, however, that where the city is notified in writing that a tenant is responsible for the payment of such bills, per section 4.14, then the charges for service occurring after the date of notification shall not become a lien against the premises.

(k) *Tenant as Customer.* A property owner may establish a tenant or renter of a premise as the customer and make that customer responsible for payment of all water bills. The City shall be notified in writing that a tenant is

responsible for the payment of such bills, the notice to include a copy of the lease of the affected premises, if there is one. The tenant must also furnish a cash deposit of not less than \$400.00 in the case of residential property or \$700.00 in the case of industrial or commercial property as security for the payment of such charges and services. The Director may increase this deposit if a history of high usage is apparent, up to a maximum equivalent of two quarters worth of water usage. Upon vacating of the premises or termination of lease or service, the security deposit shall be returned less any outstanding balance for water service.

Sec. 19-25. Watermains and Valves

(a) *Materials and Specifications.* The materials of construction of any public or private watermains, valves, hydrants, fittings and appurtenances, and the methods used in excavating, installing, connecting, jointing, restraining, testing, and backfilling the trench shall conform to the current edition of the Standard Specifications and Construction Specifications in Swartz Creek and all applicable regulations of the State of Michigan and local municipality.

(b) *Watermain Extensions at Builder or Developer Expense.* Extensions of the public water supply system to provide water service to residential, commercial or industrial developments shall be provided at the developer's expense. A developer of any residential, commercial or industrial development shall be required to extend and connect to the public water supply system if such facilities are available. Public water supply system facilities shall be deemed available if the developer's site is located within 500 feet of the public water supply system or within such additional distance as may be established by ordinance of the City. Any extension of the public water supply system shall be to the furthest limits of the developer's property. This requirement shall not apply to the construction of a single family residence on an existing parcel of land or platted lot.

The City may consider a variance to the requirement that the public water supply system be extended to the furthest limits of any development project when all of the following conditions are met:

- Development involves a residential corner parcel.
- Development involves a single building or structure.
- The public water supply system already fronts one side of the corner parcel and extends the full length of the frontage, or is located on the opposite side of the road directly across from and accessible to the proposed development.
- Required domestic service will be one inch or smaller.
- A separate fire protection connection line is not required for the building.

Such variances will be decided by the City Council on a case by case basis.

(c) *Continuity of Service.* The City reserves the right at all times, without notice to affected customers, to shut off the water in a main for the purpose of making repairs or extensions, or for any other necessary purpose. It is the intention of the City to provide advance notice to affected customers when time

permits, but in an emergency situation such advance notice of service interruption may not be given. The City shall not be liable for damage to the facilities and equipment of any premises occurring as a result of such shut-down, or from the bursting of any main, or due to any accidental failure of the public water supply system from any cause whatsoever. Under normal operation the City will make every attempt to maintain a minimum pressure of thirty-five (35) pounds per square inch (PSI) in the public water supply system as required by regulatory requirements. Any customer whose facilities or operations require the provision of a specified flow rate or water pressure shall be required to install such collateral facilities as may be necessary to ensure that such pressures and flow rates can be maintained.

(d) *S-Permits and Act 399 Permits.* No person shall commence construction or alteration of any watermain or related water system facilities and appurtenances which are connected to or intended to be connected either directly or indirectly to the public water supply system until plans and specifications for such improvements and alterations have been submitted to, reviewed by, and endorsed "Approved" by the City and County through the County Agency, and until all necessary easements and all applicable permits of any kind and nature have been issued for such improvements, and inspection and permit fees have been paid.

A County S-Permit shall be required for the alteration of any existing public water supply system facilities or for the construction of any public watermain, which will connect directly or indirectly to City water system, which is connected directly or indirectly to the County Water System. Likewise, An Act 399 permit from the Michigan Department of Environmental Quality (MDEQ) is required for the construction of any public watermain which will connect directly or indirectly to the City water system of which is connected directly or indirectly to the County Water System.

The commencement of any watermain construction or alteration without obtaining the required County S-Permit shall be a violation of these water use policies. The City shall have the right to prohibit or sever the connection of any unapproved or unpermitted watermain facilities, to prohibit or stop the alteration of any facilities for which an S-Permit has not been issued, to deny or terminate service, and to take all other corrective or remedial actions as may be required to enforce these policies and to repair, restore or correct all damage or non-compliance. All costs incurred by the City in undertaking such corrective or remedial actions shall be reimbursed by the offending party.

The commencement of any watermain construction without obtaining the required Act 399 permit shall be a violation of the Safe Drinking Water Act (Act 399, P.A. 1976 and current revisions), and shall subject the offending party(s) to all fines and penalties prescribed and dictated thereby.

Sec 19-26. Building Water Service Lines

(a) *Sizing.* The building water service line to any building shall be of sufficient size to permit a continuous, adequate flow of water to all fixtures at all times. The minimum size of the domestic service line for a residential building shall be 3/4 inch. The size of the building water service line to any multi-unit residential building or any commercial or industrial building shall be as required and specified by the architect, designer, developer or the City. The City shall not be responsible for, or obligated to, size any building water service line or to project actual flow requirements for any applicant or customer.

(b) *Materials and Specifications.* The materials of construction of any building water service line and appurtenances, and the methods used in excavating, installing, connecting, jointing, testing, and backfilling the trench shall conform to the current edition of the Standard Specifications and Construction Specifications in Swartz Creek and all applicable regulations of the State of Michigan.

(c) *Customer's Installation.* The customer may request to have the meter installed at the property line or inside the building.

(1) Meters installed in the building:

Requests to have the meter installed in the building must first ensure the following occurs:

The customer is responsible for installing the building water service line from the house to the point of delivery (curb box), and for installing the necessary piping, valves, and fittings inside the building to receive the meter (meter set plumbing). The building water service line from the road right-of-way line (point of delivery) to the meter set plumbing inside the building shall be a minimum of 3/4 inches in size and constructed with type "K" soft temper copper tubing conforming to ASTM B-88 and B-251. All splices and connections shall be made with flared fittings. The building water service line shall be installed to a minimum depth of 48 inches. Connection at the point of delivery shall be made in a workmanlike manner and in accordance with procedures by the City.

The City will flush the entire building water service line and set the water meter and remote device as soon as possible after the customer's installation is satisfactorily completed and connected at the point of delivery, and the meter set plumbing is ready to accept the water meter. Straight piping at the meter set plumbing and use of any water prior to the installation of a meter is strictly prohibited. A violation of this provision shall constitute water theft.

(2) Meters installed near the ROW or easement

The customer is responsible for installing the building water service line from the house to the point of delivery (ROW) and for installing the necessary piping, valves, and fittings to receive the meter (meter set plumbing).

The City will flush the entire building water service line and set the water meter and remote device as soon as possible after the customer's installation is satisfactorily completed and connected at the point of delivery, and the meter set plumbing is ready to accept the water meter. Straight piping at the meter set plumbing and use of any water prior to the installation of a meter is strictly prohibited. A violation of the provision shall constitute water theft.

(d) *Approval of Plumbing and Connections Required.* No water service line shall be connected and meter installed until the plumbing and connections incident thereto shall have been inspected and approved by the local building official, plumbing inspector or other person having jurisdiction for such inspections and approval.

(e) *Repair and Replacement.* The portions of the building water service line located within a utility easement or within the road right-of-way including the curb stop and curb box will be operated and maintained by the City. Maintenance, repair and/or replacement of the building water service line between the curb stop and meter set plumbing shall be the responsibility of the customer and/or property owner.

(f) *Improper Installation.* If at any time it is discovered that the building water service line has been installed improperly or contrary to or in violation of these policies or the current edition of the Standard Specifications and Construction Specifications in Swartz Creek, the customer shall be required by the City to correct any such violation or non-conforming elements at the customer's expense. The City may withhold water service to the premises until required corrections have been made.

(g) *Leaks in Customer's Installation.* The customer or property owner shall keep the customer's installation free from leaks at all times. Where a leak appears in a customer's water service pipe on the customer's side of the point of delivery allowing water to escape that does not register on the meter, the City shall give the customer written notice thereof and the customer shall immediately proceed to repair such water service line. Should the same not be repaired, or should there be no evidence of any attempt to repair same within seventy-two (72) hours after written notice to repair has been given, the City may discontinue service by shutting the water off at the curb stop. If, in the judgment of the City, it is believed that any leak in the customer's installation is of such nature as to endanger public safety, public or private property, constitute a public nuisance, or result in the waste of any substantial amount of unmetered water, the City may discontinue service without prior notice to the customer and shall not restore service until such leak is repaired.

(h) *Demolition.* Whenever a building or structure is to be permanently demolished, or is to be demolished to make way for another building or structure, the City shall not issue a permit for such demolition until the property owner or the

demolition contractor provides them with a signed copy of the County's service termination permit and procedures form. Such form will confirm whether or not the building to be demolished is connected to the public water supply system and/or wastewater collection system, and provides additional requirements for the temporary or permanent termination of service when so connected.

City or County personnel shall be present at the work site when the water service line and/or wastewater service line is disconnected to inspect the work and to ensure that the termination of service is performed in accordance with County procedures and that no damage occurs to the public water supply system or wastewater collection system. All such services that are abandoned, and not scheduled for re-use, shall be demolished.

(i) *Indemnification.* The customer or property owner shall indemnify, save harmless, and defend the City against all claims, demands, cost or expense, for loss, damage or injury to persons or property in any manner directly or indirectly arising from the installation of the customer's water service line (customer's installation) or from the transmission and use of water by the customer or any consumer from any of the customer's water service lines, plumbing, facilities, fixtures and appurtenances.

Sec 19-27. Fire Protection Service

(a) *Materials and Specifications.* The materials of construction of any fire protection connection line and appurtenances, and the methods used in excavating, installing, connecting, jointing, restraining, testing, and backfilling the trench shall conform to the current edition of the Design Standards and Construction Specification of Swartz Creek and all applicable regulations of the State of Michigan.

(b) *Fire Protection Connection Separate from Domestic Service Line Connection.* Whenever a fire protection connection line is installed on private property, and the operation and maintenance of such line will not revert to the City at start-up (including, but not limited to, all fire protection connection lines four inches (4") and smaller), a separate domestic service line shall also be extended from the watermain to the building. Under this arrangement, the fire protection connection line shall not be tapped or used for the general domestic water supply of the premises.

Whenever a fire protection connection line six inches (6") or larger is installed on private property, and the operation and maintenance of such line will revert to the City at start-up as evidenced and effectuated by the granting of required easements and rights-of-ways to the City, a separate domestic service line may be connected to the fire protection connection line at a point outside the building which falls within the easement, and a curb stop and curb box installed. No domestic service line shall be connected to any fire protection connection line inside the

building. The final configuration of the domestic service line under this arrangement shall be approved by the City prior to construction.

(c) *Fire Sprinkling System Review.* Prior to the installation of any fire protection connection line and fire suppression system, the developer, contractor or fire protection system installer shall provide a copy of the construction or architectural drawings showing proposed yard piping and fire protection system piping to the City for review, approval, and required permit. Such plan review will be performed in order to establish the degree of hazard for potential backflow and to ensure that required backflow prevention devices will be installed. Applicable permit and inspection fees shall be in accordance with the City's current schedule of rates and charges. In general, only one (1) fire protection connection line will be allowed per premise. Additional fire protection connection lines will be approved only if specifically required by building or fire codes.

(d) *Easements and Rights-of-Ways.* Whenever the City agrees to assume the responsibility for operating and maintaining a fire protection connection line, such facilities shall become a part of the public water supply system, and the property owner shall grant and convey appropriate easements and rights-of-ways as shall be required by the City to permit ingress and egress for operation and maintenance. Said easements shall extend along the entire length of the fire protection connection line.

(e) *Residential and Commercial Combined Fire and Domestic Service Line for Limited Area Fire Protection.* Sprinkling piping serving not more than six (6) sprinklers for an isolated area may be connected to the building water service line having a capacity sufficient to provide 0.15 gallons per minute per square foot (6.1 liters per minute per square meter) of floor area throughout the entire enclosed area. All limited area fire suppression sprinkler system connections must be made after the meter and each connection must have an approved backflow prevention device and be inspected by the City for compliance with cross connection regulations set forth in this ordinance. The City shall not be responsible for specifying or sizing the building water service line to provide the required fire flow rates. Sprinkler protection installed under the above guidelines shall comply with all NFPA standards and codes, and the customer or property owner shall have such installations inspected and approved by the appropriate authority having jurisdiction over such installations.

(f) *Charge for Unauthorized Use.* Fire protection connection lines are intended exclusively for fire protection and may not be used for the general domestic water supply of any premises. If it is discovered that the fire protection connection line is used for irrigation, cooling, or for the general domestic supply of any premises, the City shall have the right, ten (10) days after notification to the customer or property owner by first class mail, to discontinue service until all defects, alterations, and tampering have been corrected, and appropriate compensation and restitution has been made by the offending person.

(g) *Repair and Replacement.* The portions of any fire protection connection line located within a public utility easement or within the road right-of-way including the isolation valve and valve box or manhole will be operated and maintained by the City. Maintenance, repair and/or replacement of the fire protection connection line beyond the point of delivery shall be the responsibility of the customer and/or property owner unless the City has assumed the operation and maintenance of such lines and has been granted an easement by the property owner, in which case the point of delivery shall be the limit of the easement at the outside face of the building.

(h) *Discontinuance of Fire Protection Services.* The City may terminate supply to a fire protection connection line under any of the following conditions:

(1) Without consent or notification only in the event of a watermain break or a major connection leak that could cause serious damage to public or private property.

(2) Ten (10) days after notification to the customer and property owner by first class mail that there is leakage from any portion of the fire protection connection line and the customer or property owner has not taken action to correct such leakage.

(3) If unauthorized use is not terminated within ten (10) days after notification to the customer and property owner by first class mail to cease such unauthorized use.

(4) On a temporary basis upon written request of the customer and/or property owner for the purpose of making repairs to the fire protection connection line or fire suppression system facilities at the premises.

(5) On a long-term basis, upon receipt of a letter from the customer and/or property owner requesting that service be terminated, along with written notification to the local fire department and insurance carrier.

Sec. 19-28. Fire Hydrants

(a) *Materials and Specifications.* The materials of construction of any fire hydrant and appurtenances, and the methods used in excavating, installing, connecting, jointing, restraining, testing, and backfilling the trench shall conform to the current edition of the Design Standards and Construction Specification of Swartz Creek as well as all requirements of the State of Michigan.

(b) *Fire Hydrant Use.* Fire hydrants are installed for the primary purpose of emergency use by authorized fire department personnel and for flushing of watermain by the City responsible for the operation and maintenance of its own water system. No unauthorized person shall operate or use any fire hydrant unless permitted to do so by the City, and such use or operation shall not commence until all necessary permits have been obtained and security deposits paid. Local Fire Departments are authorized to operate and use fire hydrants without a permit in the event of an emergency.

(c) *Special Hydrant Use Permit and Charges - Temporary Service.* Temporary water service for circuses, fairs, carnivals, swimming pool filling, water hauling, street sweeping, construction, hydro-seeding, etc. may be provided at designated fire hydrants in accordance with this ordinance governing special hydrant use. In addition to special hydrant use, the City shall seasonally; on or about the first of May through the end of September, place in service one or more water metering stations for access to the public water system. The policy governing their use shall be revised annually and these revisions shall include charges, fees and other conditions related to their use.

Pursuant to the City's policy, any prospective hydrant user, other than users of the City's seasonally placed water stations, shall first obtain written consent from the City for the use of any hydrant. The request for temporary hydrant service shall be signed and dated by the individual or legal entity seeking use, shall include the name, billing address and phone number of the prospective user, and shall indicate the desired use, requested meter size, location of hydrant, and duration of proposed temporary service. The City shall require a deposit in an amount set by the Director of Public Services, an amount no less than the replacement cost of the hydrant meter, isolation valve, and backflow prevention device.

When temporary service is to be terminated, the City will perform a final inspection of the hydrant, and remove the hydrant meter, isolation valve and backflow prevention device. Any damage to the hydrant not noted, hydrant meter, or fittings will be repaired and the cost deducted from the hydrant user's security deposit. If the cost of any repairs exceeds the amount of the security deposit, the balance will be borne by the hydrant user. Any lost or stolen metering equipment shall be paid for by the hydrant user. Following termination, a final billing will be prepared and sent to the hydrant user. All billings for temporary service, including the final billing, shall be due and payable twenty (20) days from the date of the billing. The security deposit or any remaining balance thereof will be refunded to the hydrant user after all billing charges have been paid.

(d) *Confiscation of Illegal Hydrant Connections - Charges for Unauthorized Use.* Any hydrant connection, hoses and equipment used for the unauthorized operation of a fire hydrant shall be confiscated by the City. Confiscated equipment may be recovered upon payment of appropriate consumption service charges and associated hydrant repair and maintenance costs occasioned by such unauthorized usage. The offending person shall be assessed a \$500 fine as well as actual expenses incurred to correct the illegal connection. Any confiscated equipment not recovered within thirty (30) days shall become the property of the City.

(e) *Operation of Hydrants.* After the hydrant connection has been installed, the hydrant shall be operated using the isolation valve supplied with the meter. Isolation valves shall be opened and closed slowly so as not to create or cause any line surges or water hammer in the watermain. A special hydrant use

permit may be revoked for improper use of any hydrant. At the end of each day or whenever work is stopped, hydrants shall be shut off and left in normal operating condition for fire protection purposes. Whenever weather or seasonal conditions are such that there is potential for freezing, hydrants shall be turned off and pumped down by the hydrant user at the end of each day. In the event that a leak develops around the barrel, stuffing box, or caps of the hydrant, the hydrant shall be shut off and the leak reported to City. Any damage or breakage occurring to the hydrant shall be immediately reported to the City.

(f) *Damage to hydrants.* Any person who directly or indirectly causes damage to a fire hydrant, either willfully or accidentally, shall be charged for all actual or incidental cost incurred by the City for the repair of the hydrant. Any person who willfully damages any fire hydrant shall also be subject to all fines and penalties as prescribed by local Ordinance.

Any person or property owner desiring to have an existing hydrant relocated shall make arrangements for such relocation with the City, and shall deposit the estimated cost of any such relocation in an escrow account with the City.

Sec. 19-29. Meters

(a) *Meters Required.* All premises using water through the facilities of the public water supply system shall have their water flow measured by a meter furnished and installed by the City. In addition, a remote device will be furnished and installed on the outside of the building. All meters and metering equipment shall conform to the material standards of the City. No person shall install, use, or cause to be installed or used, any meter or metering equipment not approved or standardized by the City. No person, other than an authorized employee of the City shall disturb, break, sever the seal, remove, change the location of, alter, or interfere in any way with the water meter or the remote device after it has been installed. Any person found to have done any of the above shall be guilty of a municipal civil infraction.

(b) *Ownership and Protection of Meters and Appurtenances.* The customer or property owner shall be designated as the custodial owner of the meter. It shall be the customer's or property owner's responsibility to protect the meter from damage, loss or vandalism. Any damage or loss of a meter which is a direct result of the negligence of the customer or property owner, such as vandalism, neglect, freezing, or damage resulting from tampering with the meter, or any damage of an accidental nature is properly chargeable to the customer or property owner and will be billed at the current cost of repair or replacement. The City reserves the right to replace any meter which is not properly registering or recording water consumption, and such replacement will be done at no cost to the customer or property owner provided that such inaccuracy is not related to tampering or other meter damage caused by the customer, property owner or other unauthorized person.

(c) *Consumption Exceeding Operating Range of Meter.* Meters damaged by operating them at greater volume than the maximum delivery capacity for the particular class of meter (as outlined in the AWWA Standards for cold water meters, or as recommended by the meter manufacturer) shall be repaired or replaced by the City. The cost of such repairs shall be charged to the customer or property owner. Whenever it is determined that the meter purchased by the customer or property owner is either too small or too large to adequately or accurately measure the actual water consumption at the customer's or property owner's premises, the City may order the customer or property owner to have the appropriate sized meter installed at the customer's expense.

(d) *Change in Meter Size.* Water meters are the property of the customer or property owner and are purchased and paid for as part of the service tap and meter installation fees. Requested changes in the size of a water meter shall be handled as follows:

Increase in Size - A customer or property owner desiring a larger water meter shall pay to the City the applicable service tap and meter installation fee if the building water service line must also be upsized to accommodate the larger meter. If the existing building water service line is already sized for the larger meter, the customer or property owner will only be required to pay the cost of a new meter. The old meter shall remain the property of the customer or property owner, and no credit or exchange fee will be given by the City for the old meter. In addition, the customer or property owner will be required to pay the applicable water service charges associated with the larger meter size. The customer or property owner will be responsible for installation of the appropriate sized piping from the building to the point of delivery, and for necessary piping modifications to the meter set plumbing to accept the new meter.

Reduction in Size - A customer desiring a smaller water meter shall pay to the City the cost of the smaller meter. A reduction in the size of the building water service line is not required in this case. The old meter shall remain the property of the customer or property owner, and no credit or exchange fee will be given by the City for the old meter. Likewise, no rebate of connection charges will be made to the customer or property owner for reducing the size of the meter; however, future water service charges to the customer or property owner will be based on the new meter size. The customer or property owner will be responsible for necessary piping modifications to the meter set plumbing to accept the new meter.

(e) *Meter Set Plumbing.* Meter set plumbing is the responsibility of the customer or property owner, and the configuration and materials of construction shall be in accordance with the City's current details and standards. Water meters will not be installed and service activated until the meter set plumbing and building water service line are properly installed and connected. Setting of a meter by the City does not constitute an admission by the City that the customer's installation or building plumbing has been properly installed, nor does it relieve the contractor,

plumber, or the customer or property owner of the responsibility for correcting or repairing any non-conforming or improper work.

(f) *Location of Meter and Remote Device.* The customer or property owner shall provide an accessible location inside the building satisfactory to the City for the installation of the meter and remote device wiring. The customer or property owner shall provide a suitable location on the exterior of the building at the front or on the side as close to the front as possible for mounting the remote device. Meters shall always be set in an upright and horizontal position. Meters may not be located in crawl spaces, bathrooms, bedrooms, or where oil, sewage or similar contamination is present or possible. In general, the meter shall be placed just inside the building wall nearest the watermain.

(g) *Access to Customer's Premises.* The duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all premises and shall have access to the meter and remote device for the purpose of inspection, observation, installation, maintenance, testing and meter reading. While performing the necessary work on private property the duly authorized employee(s) of the City will observe all safety rules applicable to the premises.

The customer or property owner shall at all times keep the meter and remote device free from obstacles including shrubs, debris, stored materials, etc. that would prevent convenient access to the meter, remote device or adjacent valves. Failure to do so could result in termination of service.

If at any time a customer or property owner refuses a duly authorized employee of the City access to the meter or remote device, the City may immediately terminate service to the customer's or owner's premises upon verbal notification.

(h) *Meter Testing Requests.* A customer may request the City to test a meter whenever the customer has reason to believe that the meter is not functioning properly. Such requests must be submitted to the City in writing and be accompanied by the required meter testing fee. If the meter when tested is not registering accurately, it will be repaired or replaced at no cost to the customer, and the meter testing fee which accompanied the customer's meter testing request will be returned to the customer (Subject to Section 9.2). Likewise, the appropriate billing adjustment will be made on the customer's next bill. If, however, the meter when tested does register accurately, the expense of the test will be borne by the customer, and the meter testing fee accompanying the customer's request will not be returned. The required meter testing fee shall be in accordance with the City's prevailing schedule of rates and charges.

(i) *Meter Accuracy.* A meter shall be considered accurate if when tested it registers within two and one-half percent (2.5%) more or less than the actual quantity of water passing through it. If a meter registers in excess of two and one-

half percent (2.5%) more than the actual quantity of water passing through it, the meter will be considered "fast" to that extent. If a meter registers in excess of two and one-half percent (2.5%) less than the actual quantity of water passing through it, the meter will be considered "slow" to that extent.

(j) *Adjustments for "Fast" or "Slow" Registration.* When a meter test indicates that a meter has been registering "fast" as defined above, the City will credit the customer with a volume equal to the percent of "fast" multiplied by the volume of water used during the previous six (6) months, except when a meter change or meter repair has been performed in the interim period.

When a meter test indicates that a meter has been registering "slow" as defined above, the City will bill the customer for an additional volume equal to the percent of "slow" multiplied by the volume of water used during the previous six (6) months, except when a meter change or meter repair has been performed in the interim period. In these instances, when a meter change or meter repair has been performed within the previous six (6) months, any adjustment will be limited to the period subsequent to the meter change or repair.

(k) *Seasonal Meter Shut-offs.* Water meters installed for lawn sprinkling or for other recurring seasonal use may be turned-off at the request of the customer or property owner during periods when service is not needed or used. Customers desiring to have such seasonal service stopped must submit the proper form to the City. Likewise, any customer going on vacation or leaving their property vacant may also request to have their water service stopped during such periods by submitting the proper form to the City. Customers desiring to have such service reactivated must request this in writing. Customary turn-off and turn-on charges will be assessed to the customer whenever service is stopped or reactivated, and such charges shall be in accordance with the City's prevailing schedule of rates and charges. Note that shutting off the water to the premises does not terminate the account or relieve the account of the readiness to serve charges.

(l) *Lawn Sprinkler Meters.* No credit adjustment will be made to a customer's wastewater bill for water used to irrigate lawns or shrubs unless such water is recorded on a separate lawn sprinkler meter. Any customer not wishing to be billed wastewater charges for lawn and shrub irrigation shall arrange to have a separate irrigation meter installed.

(m) *Water Meters for Water Consumption not Returned to the Wastewater System.* Any water customer may make arrangements to have a separate meter installed for the measurement of water consumption not returned to the wastewater system. Typical examples include lawn sprinkling, and make-up water for air conditioning chillers. Absolutely no connections shall be allowed for water that can reasonably be suspected to enter the sanitary sewer system (examples include service tubs, internal plumbing diversions or faucets, or connections to a garage or

area with a floor drain). The water consumed through such a meter will not be subject to the quarterly wastewater service charge.

A customer desiring a separate water meter shall obtain the required permit, purchase the appropriately sized meter & meter reading devices from the City, and make necessary modifications to the building plumbing to accept the new meter. Once the piping modifications have been completed the City will set the meter. The City shall have the right to inspect the customer's installation to confirm that none of the water supplied through the separate meter will be returned to the wastewater system and that all requirements of the cross connection regulations are in place.

Billing for secondary meters shall be established by resolution of the City Council.

(n) *Wastewater Customers on Private Wells.* Wastewater customers on private wells who discharge wastewater directly or indirectly into the City's wastewater collection system may have a meter installed on their well and be billed for wastewater service according to water consumption recorded on the well meter.

Customers desiring a well meter shall obtain the required permit, purchase the appropriately sized meter from the City, and make necessary piping modifications to accept the new meter. Once the piping modifications have been completed the City will set the meter.

The City may perform quarterly meter maintenance on all well meters and the cost of such maintenance shall be paid for by the customer. In the event that a well meter fails and cannot be repaired, the customer will be responsible for the cost of a new meter. In the event that a well meter fails to properly record water consumption, or the meter reader is unable to obtain a meter reading on the regular reading date for any reason, an estimated wastewater bill will be sent. In such cases the wastewater charge shall be estimated based upon actual consumption in a comparable billing period in preceding years, or based upon any other appropriate method of estimation in accordance with generally accepted utility practices.

Once a customer opts to install a well meter for wastewater billing purposes, future wastewater service charges shall be based on well meter consumption, and the customer shall not have the option of removing the meter and returning to a flat rate sewer billing.

(o) *Meter Maintenance and Replacement.* Meter maintenance associated with individual domestic meters and developer owned master meters will be provided by the City as required to ensure accurate measurement and recording of water consumption. Necessary meter repairs and replacement of individual domestic water meters or developer owned master meters will be done by the City at no cost to customers of the public water supply system (see

exclusions in Sections 9.2 & 9.4). Non water system customers with well meters shall be required to pay the cost of necessary meter maintenance, repairs and replacement.

(p) *Master Meter Pits, Valves, Piping and Equipment.* Whenever a master meter is required by the City, such meter and appurtenant meter pit, valves, piping and equipment shall conform to the current edition of the Design Standards and Construction Specifications of Swartz Creek and all other applicable standard meter pit details as developed by the City.

(q) *Ownership of Master Meter Pits.* The cost of purchasing, constructing and installing a master meter, master meter pit and appurtenant valves, piping and equipment shall be that of the local municipality or developer whose facilities will receive water through said master meter. For private systems, such as mobile home courts, when the facilities are completed, they shall remain the property of the developer. For public utilities, such as municipal entities, the meter pits and appurtenances shall become the property of the City.

(r) *Operation and Maintenance of Master Meters, Meter Pits and Equipment.* Developer owned master meter pits and appurtenant metering equipment shall be operated and maintained by the City at no cost to customers of the public water supply system.

(s) *Easements and Right of Access.* Developer owned master meter pits and facilities shall be located on private property outside of the public road right-of-way, and public utility easements shall be granted by the developer to the City for operation and maintenance of these master meter pits and associated metering facilities. The City shall at all times have right of access to any master meter pit for the purpose of inspection, meter reading, operation, maintenance, repair or replacement of equipment.

Sec. 19-30. Plumbers and Contractors

(a) *Water Services to be Installed by Licensed Plumbers and Contractors.* All work in connection with the installation and/or repair of the customer's building water service line and meter set plumbing shall be performed by a licensed plumber or contractor authorized to do business in the State of Michigan and County of Genesee. This requirement shall not prohibit the property owner from performing such work at the property owner's primary residence.

(b) *Defective Work.* The applicant for water service shall be held responsible for all work covered by the water connection permit issued to them. The applicant for water service shall be responsible for the quality of workmanship and for the use of proper materials of construction complying with the current edition of the Design Standards and Construction Specifications of Swartz Creek,

whether such work is performed directly by them or is performed by a licensed contractor or plumber hired by them.

Whenever the City finds any defect in the customer's installation prior to initial turn-on, the meter will not be set and service initiated until such defects have been corrected to the satisfaction of the City. Any failure occurring to the customer's installation after initial turn-on whether due to defective materials or workmanship, or other causes, shall be repaired and paid for by the customer or property owner. The City may terminate service until such repairs have been made.

(c) *Plumber's and Contractor's Responsibility to Comply with Rules.* Any plumber or contractor failing to comply with any provision of this ordinance, or who shall refuse or fail to correct any of its work which is defective or irregular after being requested to do so, shall be prohibited from performing such work in the future.

(d) *Turning-on or Turning-off Water.* Contractors and plumbers shall not be allowed to turn water on or off at the corporation stop-cock or curb stop of any water service line or at any watermain valve unless authorized to do so by the Operating City to make repairs or to test their work. All other persons are strictly forbidden from turning water on or off at the corporation stop-cock or curb stop, or from operating any watermain valve. Water service to any premises shall only be reactivated by duly authorized personnel of the City.

Sec. 19-31. Miscellaneous

(a) *Liability of City - Right to Restrict Water Use.* The City and their duly authorized representatives shall not be liable for any damage resulting from the bursting of any watermain or service line, from the shutting off of any watermain for repairs, extensions or connections, or from the accidental failure of the public water supply system from any cause whatsoever. In case of emergency the City and its duly authorized representatives shall have the right to restrict the use of water in any reasonable manner for the protection of the potable water supply and the public water supply system.

(b) *Inspection and Inspection Fees.* The City shall perform construction inspection on all water system extensions for which it will retain custodial authority for the operation and maintenance of said facilities following completion and acceptance of such facilities for public use. The City shall observe final testing and disinfection of water system extensions when a development owner will retain custodial authority for the operation and maintenance of said water system facilities upon completion and acceptance for public use. Development owners who operate and maintain their own water system facilities shall be required to comply with all applicable rules and regulations of the Safe Drinking Water Act (Act 399, P.A. 1976 and current revisions).

The fees and charges for main-line or final inspection shall be paid by the developer, contractor or applicable entity in accordance with the City's prevailing schedule of rates and charges as adopted by the City Council.

(c) *Right of Access.* The duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of performing maintenance, repairs, inspection, observation, measurement, meter installation, meter reading, sampling, testing, and other activities related to the operation of the public water supply system. Refusal to permit such access to authorized personnel may result in the termination of service. If the City is unable to access properties due to a lack of cooperation or abandonment, the City may terminate service

(d) *Standard Specifications.* All watermain facilities connecting either directly or indirectly to the City water system shall conform to all applicable requirements of the Design Standard and Construction Specifications of Swartz Creek (current edition), and other applicable rules and regulations of the State of Michigan.

(e) *Responsibility of Owner.* The customer or property owner shall be responsible for the maintenance and repair of all water service lines, plumbing facilities and watermain facilities beyond the point of delivery.

(f) *Additional Rules and Regulations.* The City and its duly authorized representatives shall have the right to enact or establish additional rules and regulations necessary to enforce or administer this ordinance and to carry out its responsibilities under Act 342, under the Safe Drinking Water Act, and under other federal, state and Genesee County regulations.

(g) *Drilling, use of wells prohibited.* The drilling and use thereof of wells, the water from which is intended for human consumption, is prohibited. If any existing well, after the effective date of this article shall cease to provide potable water, then in that event the premises served by such well shall be connected to the water system as provided in this article. However, under no circumstances shall an existing well be connected, directly or indirectly, with any portion of the system provided by the city.

(h) *Fiscal year of the water supply system.* The water supply system shall be operated upon the basis of a fiscal year beginning on July first of each year ending June thirtieth of the following year.

(i) *Enforcement of this article.* The provisions of this article shall be enforceable through the bringing of appropriate action for injunction, *mandamus*, or otherwise in any court having competent jurisdiction. Any violation of this article is deemed to be a nuisance per se.

Sec. 19-32. Backflow Prevention and Cross Connection Control

(a) *Introduction.* The intent of this section is to establish a program for the identification, detection and elimination of unprotected cross connections within the public water supply system in order to prevent contamination of the City's public potable water supply from the backflow or back-siphonage of non-potable sources of water or water borne contaminants or pollutants. This Section provides guidelines for the proper use of backflow prevention devices, and identifies facilities where the potential for cross connections and the backflow of contaminants will require the use of approved backflow prevention devices.

No physical connection shall be installed or maintained between lines carrying a public potable water supply and pipes, pumps or tanks supplied from or with the potential of being supplied from any non-potable source. Where dual supplies are necessary or desired, lines carrying water from the public water supply system shall be protected against back flow of polluted or contaminated water by means of approved backflow, back-pressure, or back-siphonage devices.

(b) *Adoption by reference.* The city hereby adopts by reference the water cross connection rules of the State of Michigan, being Rules 325.11401 through 325.11407 of the Michigan Administrative Code ("Rules"), and the City of Swartz Creek Cross Connection Control Program ("program") as prepared by the City of Swartz Creek Department of Public Services and dated October 9, 2001, two copies of which rules and program shall be maintained on file with the city clerk and be available for public inspection during all regular office hours of the city. Any person or firm violating any of the provisions of the rules or the program shall, except as otherwise provided by law, be subject to the penalties and sanctions provided for in this Code.

(c) *Inspections.* 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 are deemed possible. The frequency of inspections and follow-up inspections based on potential health hazards involved shall be as provided for in and as authorized by the rules and the program.

(d) *Right to enter.* As provided for in the rules and the program and as permitted by law, duly authorized employees and/or representatives of the city shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply system of the city for the purpose of inspecting the piping system or water supply system thereof for cross connections.

(e) *Cross connections in violation of this division.* As provided for in the rules and the program and as permitted by law, the city is authorized and directed, after providing reasonable notice thereof, to discontinue water service to any property wherein any connection in violation of this division exists, 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

shall not be restored until cross connections have been eliminated in compliance with the provisions of the rules, the program and this division.

(f) *Potable water system to be protected from contamination.* 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 division and by the state and city 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 place as:

"WATER UNSAFE
FOR DRINKING"

(g) *This division supplementary to state plumbing code.* This division does not supersede the state plumbing code, but is supplementary to it.

(h) *Violations of this division a misdemeanor.* Any person or customer found guilty of a violation of any of the provisions of this division or any written order of the city department of public services, in pursuance thereof, shall be deemed guilty of a misdemeanor.

Section 3. Severability.

Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 4. Saving Clause.

The amendment or repeal by this ordinance of any ordinance or ordinance provision shall have no effect upon prosecutions commenced prior to the effective date of this ordinance or prosecutions based upon actions taken by any person prior to the effective date of this Ordinance. Those prosecutions shall be conducted under the ordinance provisions in effect prior to the effective date of this Ordinance.

Section 5. Effective Date.

This Ordinance shall become effective on the 21st day following the date of publication.

At a regular meeting of the City Council of Swartz Creek held on the 8th day of February, 2010, Councilmember BINDER moved for adoption of the ordinance and Councilmember HURT supported the motion.

Voting for: BINDER, HURT, HICKS, ABRAMS, PORATH
Voting against: SHUMAKER
Absent: KREUGER

The Mayor declared the ordinance adopted.

Richard Abrams
Mayor

Publish Date: February 21, 2010
Paper: Swartz Creek News
Effective Date: March 15, 2010 12:01 A.M.

Certification

I, Juanita Aguilar, Clerk of the City of Swartz Creek, Michigan, do hereby certify that the foregoing is a true copy of the ordinance adopted by the Swartz Creek City Council at a regular meeting held on February 8th, 2010, at Swartz Creek City Hall, 8083 Civic Drive, Swartz Creek Michigan 48473, and that it was published by reference in the Swartz Creek News on February 21, 2010.

(Seal)

Juanita Aguilar, Clerk

Publication by Reference

**CITY OF SWARTZ CREEK
ORDINANCE NO. 406**

AN ORDINANCE TO AMEND ARTICLE II OF CHAPTER 19 OF THE CODE OF ORDINANCES OF THE CITY OF SWARTZ CREEK TO ADOPT NEW REGULATIONS FOR WATER IN THE CITY OF SWARTZ CREEK AND TO REPEAL ALL CURRENT CODE PROVISIONS INCONSISTENT THEREWITH.

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. SUMMARY OF WATER SYSTEM AND USE ORDINANCE

Due to the length of Ordinance No. 406, Water System and Use Thereof, you are hereby notified that a complete copy of this ordinance is available for public inspection at the Office of the City Clerk, 8083 Civic Drive, Swartz Creek, Michigan, 48473, Monday through Friday, 8:00 A.M. to 4:30 P.M. (810) 635-4464.

Section 2. EFFECTIVE DATE

This ordinance shall become effective on the 15TH day of March, 2010 at 12:01 A.M.

PUBLISH: Sunday, February 21, 2010
PROOF REQUIRED
THE SWARTZ CREEK NEWS

Please bill the: City of Swartz Creek
 8083 Civic Drive
 Swartz Creek, MI 48473

Reference: Account #8128