

CHAPTER 22 WATER REGULATIONS

22.01 WATER METER REQUIRED

- (A)** All water services being supplied from the water distribution system of the City of Lapeer shall be provided with a water meter of a kind, size and type approved by the Lapeer City Commission.
- (B)** The fee owner or the land contract purchaser with the right of possession, as the case may be, of any two-family house, apartment building, multi-family unit, multi-industrial or multi-commercial unit shall have either the water meter bill in the name of the fee owner or said land contract purchaser, or provide a separate water meter and accessible shut-off valve for each individual family unit.

History: (Amnd When water bills are mailed on or after 01-01-91; Amnd 08-17-06;-)

- (C)** The rates and charges hereinafter established shall be payable by the owners and/or occupants of any lot, other parcel of real estate, or building, situated so that a water main is available for an extension to service neighboring parcels and shall be required to connect to the City water system.

History: (Amnd 07-24-08;-)

22.02 METERS PROCURED FROM CITY

- (1) All meters must be procured from the City of Lapeer and installed by the City of Lapeer, the cost of installation to be borne by the owner of the property upon which the meter is installed.
- (2) All buildings serviced by the City Of Lapeer shall be equipped with a meter transmitter unit (MXU) purchased from the City Of Lapeer. The water department shall install the MXU unit to a wall, within five (5) feet of the meter location.

History: (Amnd 07-10-02;-)

22.03 OWNERSHIP OF WATER AND WATER METER

All water up to the moment it passes through the City's water meter into each residence or building shall be and remain the personal property of the City of Lapeer. All water meters used or installed in the City of Lapeer's water system are and shall remain the personal property of the City of Lapeer.

History: (Amnd 07-24-08;-)

22.04 METERS TO BE SEALED

All water meters shall be sealed at the time of installation with a form of seal

approved by the Superintendent of Water and Sewer. The water meters shall be sealed at the register box and the couplings. The seals shall not be broken except by the authority of the Superintendent of Water and Sewer. The residents and the owners of property upon which a water meter is installed are responsible for the intactness of these seals and a fee for tampering with the seal wire will be added to the water bill at the property where any of these seals are found broken as listed in the City of Lapeer Fee Schedule.

History: (Amnd 02-26-86; Amnd 07-24-08;-)

22.05 OWNER RESPONSIBLE

(A) The owner of property upon which a meter is installed shall be responsible for any and all damage sustained to the meter, including damage sustained through freezing or hot water backup, which shall include the cost of replacing a water meter that has sustained damage; provided however, that the City of Lapeer will bear the cost of repairing or replacing meters where the same is required due to the wear and tear of ordinary service.

History: (Amnd 06-12-85; Amnd 07-24-08;-)

(B) All costs and expenses incident to the installation, connection, and maintenance of the building water line to the public water main shall be borne by the owner.

History: (Amnd 06-12-85;-)

(C) Meter bypass lines are not allowed.

History: (Amnd 07-10-02;-)

22.06 METER READING AND ACCESSIBILITY

Meters will be read by employees or parties designated by the City Commission or City Manager. The water meter shall be installed in an area that is accessible for reading and repair work. Water meters may not be placed in a crawl space or similar confined space areas.

A. DEFINITIONS

For the purpose of this Ordinance:

CONSUMER is defined as the owner of the house, or other building, or premises, lot or parcel of land to which water is supplied by the City of Lapeer. For the purpose of this Ordinance, the furnishing of water service shall be deemed the sale of a commodity and the relationship between the City of Lapeer and the consumer, that of vendor and purchaser.

OWNER shall mean title holder of record or any one of the title holders of record with an equal interest in the property, a land contract vendee in possession, a receiver, personal representative, trustee, lessee, or any other person, firm, or corporation having the right of possession or control of the property.

History: (Amnd 06-12-85;-)

22.08

WATER RATES

- (A) The charges for water service to each premise, structure or building within the City connected with the water supply system for each monthly period shall be as listed in the City of Lapeer Fee Schedule.

Rates for providing Private Fire Protection shall be as listed in the City of Lapeer Fee Schedule.

Except as provided in the Mayfield Township Land Transfer Agreement dated September 5, 2001, and the Lapeer Township Land Transfer Agreement dated December 4, 2006, users outside the corporate limits of the City Of Lapeer shall be charged one and one-half (1 ½) time the charge for water used within the City, plus an annual charge equal to the city operating millage times the Taxable Value of the property served by the water system as appears on the tax roll of the township in which said property is located including the city authorized administration fee which will be billed annually and shall be due and payable on July 1st of each year.

History: (Amnd 07-10-02; Amnd 08-01-03; Amnd 07-24-08;-)

- (B) The City shall pay for all water used by it at the foregoing rates, except that for fire hydrants in the City. Charges against the City shall be payable from the current funds of the City, or from the proceeds of taxes, which the City, within constitutional limitations, is hereby authorized and required to levy in an amount sufficient for that purpose.

- (C) In the event that the City of Lapeer is able to effect a rebate from the City of Detroit retroactive to the latter's increase in water rates of May 1, 1976, the City of Lapeer shall pass that retroactive rebate on to the customers who paid the same by either a credit to their future water bills or by a cash rebate, as the City Commission determines. This emergency Ordinance shall become effective 6/1/76.

- (D) **COLLECTION**

No free service shall be furnished by the system to the City or to any person, firm or corporation, public or private, or to any public agency or instrumentality. Charges for services furnished by the system shall

be billed and shall become due 15 days after the billing date indicated on the water bill. A penalty of ten percent (10%) of the bill shall be added by the City to those bills not paid on or before the due date. Within five (5) working days after the due date, a past due notice shall be mailed to those customers whose accounts are then delinquent. The past due notice shall inform the customer of the amount of the delinquency, including the ten percent (10%) penalty. Within five (5) working days after the expiration date on the past due notice, a shut-off notice shall be mailed to those customers whose accounts still remain delinquent. This shut-off shall indicate the date that the water service will be shut off, which date shall be ten (10) days from the date of the shut-off notice, unless the delinquent amount, including the ten percent (10%) penalty, is paid by the last business day prior to the scheduled shut-off date. Services so discontinued shall not be restored until all sums then due and owing, including the ten (10%) penalty, and an additional shut-off charge as listed in the City of Lapeer Fee Schedule for the amount owed are paid to the City in full. The shut-off charge shall consist of the following components:

History: (Amnd 08-17-06; Amnd 07-24-08;-)

1. A normal duty hour sewer division turn-on charge as listed in the City of Lapeer Fee Schedule, or

History: (Amnd 07-24-08;-)

2. An after duty turn-on charge equal to the average cost of a sewer division employee's wage (a minimum of two hours (2) per union contract plus fringe benefits) plus the average cost of equipment utilized based on the State Schedule C rate for a minimum of two (2) hours.

History: (Amnd 07-10-02; Amnd 07-24-08;-)

(E) Repealed.

(F) Tap-in fees per tap for domestic water services and fire suppression services will be as listed in the City of Lapeer Fee Schedule.

History: (Amnd 06-28-07; Amnd 07-24-08;-)

22.09 METER TESTING

The consumer may have his, her, or its meter tested for a fee. The size of the water meter determines the fee as listed in the City of Lapeer Fee Schedule. All water meters are tested by a private testing company to meet the American Water Works Specifications.

Should the water meter fail to meet American Water Works Association's test specifications, the city shall refund the testing fee to the consumer and make an appropriate adjustment in the water bill. However, should

the meter be found to register within the American Water Works Association's test specifications, the City shall retain the meter-testing fee to defray the expense of the test.

History: (Amnd 07-10-02; Amnd 07-24-08;-)

22.10 INOPERATIVE METER

Should a water meter become inoperative, the consumer shall pay for water service based on the average of three (3) preceding metered months.

22.11 CROSS CONNECTION

(A) The City of Lapeer adopts by reference the Water Supply Cross Connection Control Rules of the Michigan Department of Public Health being R 325.11401 through R 325.11407 of the Administrative Code and the City of Lapeer Cross Connection Control Program. The City of Lapeer Water Department shall be the designated authority and administrator of the cross connection control program and/or plan as hereinafter described.

(B) PLAN

1. Pursuant to Michigan Public Act 399, 1976, and R 325.11404 of the Administrative Code, a comprehensive cross connection control plan shall be developed and submitted to the Michigan Department of Public Health, Division of Water Supply for review and approval.
2. The plan shall outline the conduct of the City of Lapeer cross connection control program including the method for performing initial inspections, determining inspection/re-inspection frequencies, back flow prevention assembly tracking and testing schedules, requirements for surveyors, annual reporting, generation of compliance/non-compliance records and notices, pertinent piping information requests, fees, and water service shut-off notices.
3. Upon approval by the Michigan Department of Public Health, Division of Water Supply, the plan will become the instrument for providing program conduct and policies.
4. Any changes to the approved plan will be submitted to the Michigan Department of Public Health, Division of Water Supply for review and approval before final approval by the City Commission and implementation by the Authority/Agent.

5. The cross connection control plan will be made available to the public for review.

(C) WATER DISCONTINUANCE

1. The Authority/Agent, as designated in the cross connection control program, shall have the right to enter any facility receiving water from the municipal water system for the sole purpose of inspecting for cross connections. Failure or refusal on the part of the facility to allow the Authority/Agent entry shall be deemed evidence of a cross connection that is an immediate hazard to the public and, as such, the Authority/Agent will follow the steps as outlined in the approved cross connection control plan.
2. If a facility fails to correct any deficiencies identified during the cross connection inspection, or any subsequent inspection, or otherwise fails to follow the compliance steps or procedures contained in the cross connection control plan, the water service to the facility will be discontinued until such time that the deficiencies are corrected and approved by the Authority/Agent.

- (D)** This ordinance is not intended to supersede the state plumbing code, or any other state statute, or legally adopted ordinance or code of the City of Lapeer. In any case where a provision of this ordinance is found to be in conflict with a provision of any State of Michigan or Federal statute or regulation, or any other legally adopted ordinance or code of the City of Lapeer, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

History: (Amnd 07-24-08;-)

E) PROHIBITIONS.

No person in the City of Lapeer shall:

1. Connect to a public water supply system unless the proposed connection has first been approved by the Authority/Agent.
2. Steal any water meter, water pipe, other water equipment or tools, or steal any water itself which belong to the City.
3. Willfully damage or injure or suffer or permit to be injured any water meter, pipe or other water equipment or tools which belong to the City.

4. Prevent or circumvent a water meter from measuring water used from that supplied by the City of Lapeer, or in any way hinder or interfere with the proper action of the water meter.
5. Fraudulently use water belonging to the City or wastewater belonging to the City.
6. Violate any written order of the City of Lapeer in pursuance of the provisions of this ordinance, including the cross connection control program.
7. Violate any other provisions of this ordinance, including the cross connection control program.

(F) Penalties

1. Any person who shall violate any of the provisions of this ordinance shall, upon conviction, be punished by a fine not to exceed \$500 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment in the discretion of the court. Each day that a violation occurs shall be deemed a separate offense. As allowed by law or equity, damages recoverable for any violation of this section shall include all actual costs, court, attorney and other related legal fees plus an additional charge of one hundred percent (100%) of the total costs and/or penalties.

History: (Amnd 07-24-08;-)

2. In addition to the penalty described in subsection 1, at the request of the Authority/Agent, the City Attorney may bring an action for injunctive relief or other appropriate action in the name of the people of the City of Lapeer to enforce this ordinance, or an order issued pursuant to this ordinance.

- (G) DELETED**
- (H) DELETED**
- (I) DELETED**
- (J) DELETED**

22.12 COLLECTION

(A) Lien

Charges for services furnished by the City's water department for water services to any premises shall be a lien thereon. On June 1st of

each year the City Manager, or Manager's designee, shall certify any such charges which were delinquent as of May 15th to the City's Assessor. The Assessor shall enter the same upon the next tax roll against the premises to which such services shall have been rendered and such charges shall be collected and said lien enforced in the same manner as provided in respect to taxes assessed upon such roll.

History: (Amnd 04-29-87;-)

(B) Affidavit

Pursuant to Public Act 178 of 1939, as amended, Paragraph (A) above shall not apply to property owner lessors who comply with the following provisions:

1. An affidavit is filed with the City verifying that a lease has been legally executed containing a provision that the lessor shall not be liable for payment of water bills accruing subsequent to the filing of said affidavit. The affidavit shall also contain a notation of the expiration date of the lease.
2. A copy of the lease showing the name of tenant(s) responsible for the water bill shall also be filed with the City.
3. The lessor shall give 20 days, written notice to the City of any cancellation, change in, or termination of the lease.
4. A deposit as listed in the City of Lapeer Fee Schedule for each such lease shall be made to the City prior to having the water billing placed in the name of the tenant and/or commencing water service. Such deposit shall bear no interest and will be utilized to pay any delinquent billing for that premises or refunded upon payment of the final water bill.

History: (Amnd 07-24-08;-)

22.13 WATER USAGE REDUCTION

Outside irrigation for any purposes, including lawns, gardens, and flowerbeds, from the City's public water supply may be prohibited or restricted upon published notice when the City Manager, through his Superintendent of Water and Sewer, determines that a public water shortage is likely to occur. During such times the City Manager may also direct that other measures be taken or restrictions observed by users of the public water supply system. Notice of any such measures or restrictions shall be given by publication in a newspaper of general circulation in the City of Lapeer.

History: (Amnd 03-14-90; Amnd 07-24-08;-)