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## CHAPTER 22. CITY WATER UTILITY

2.21 Water Works Superintendent. The City Manager, with the approval of the Council, shall appoint a Superintendent of the Water Department hereinafter called Water Department Superintendent, whose duties shall be to have charge of the water system and the distribution and supplying of water to the inhabitants of this City. He shall perform such other duties as may be prescribed by the City Manager of Frankenmuth.

2.22. Definitions.

- (1) "Consumers" as used in this Chapter shall mean any individual, firm or corporation using water and owning the premises upon which water is used for the occupant thereof in case such occupant is under contract with the City to pay for the water.
- (2) "Water Main" shall mean that part of the water distribution system intended to serve more than one (1) water connection.
- (3) "Water Connection" shall mean that part of the water distribution system connecting the water main with a point between the roadway line and the lot line of abutting property.
- (4) "Water Extension" shall mean that part of the water distribution system extending from the water connection into the premises served.

2.23. Installations and Extensions.

- (1) Water connections and extensions to the City water mains shall be installed only by the City. The cost of providing said connections shall be billed to the applicant thereof at the actual cost incurred by the City for time, materials and equipment.
- (2) All necessary water connections shall be installed in advance of the paving or resurfacing of any street or alley, or part thereof, when such paving or resurfacing shall have been determined as a necessity by the Council. Fees therefor as established shall be charged against the premises served and the owner thereof, as a part of the paving and resurfacing cost, shall be assessed in like manner as said paving and resurfacing cost.
- (3) Property owners of the City of Frankenmuth desiring water connections to the property owned by them may have such connection made if the water main shall extend to within sixty (60) feet of the property line of the property to be served, upon making application therefor and by agreeing to pay the cost of the making of such connection as fixed by the City Council. The applicant shall agree that in the event the cost of such connection be not paid in the manner provided by the City Council, or in the event that service and water costs be not paid when due, that the amount remaining unpaid for more than thirty (30) days may be treated as a lien upon the real estate for which the connection was made and the water and service was charged and that such unpaid balances may be added to the City tax and collected in the same manner as any other City tax which is a lien upon the real estate.
- (4) Property owners in the City of Frankenmuth desiring water connections larger than one (1) inch shall be entitled to have such connection made if the property owned by them shall be within sixty (60) feet of any water main, upon entering into a contract with the City of like kind and character as provided in section 2.23. The cost of such connection shall be paid in such manner as shall be agreeable to the City Council.

(5) No "water connection" nor water meter shall be attached to a "water extension" unless the pipe and connection used shall be new and of copper, or approved plastic, or other suitable materials, of good quality and installed in the best, approved manner.

#### 2.24. Water Contracts, Rates and Regulations.

(1) No person shall be served directly or indirectly by the water distribution system unless the person so serviced, or his authorized representative, has first entered into a contract with the City. If property to be serviced is located outside the limits of the City such contract shall be approved by the City Council. If the property to be serviced is located within the limits of the City such contract shall be approved by the City Manager.

(2) Water service charges shall be billed and collected in accordance with the rules and regulations established by the City Council.

(3) The Water Superintendent is hereby empowered to discontinue such water service for non-payment of charges due the City or for violation of any provision of this Chapter. No such discontinued service shall be reinstated except upon payment of a turn-on charge as set by the City Council.

(4) No person other than an authorized employee of the City shall turn on or off any water service except that a licensed plumber may turn on a water service for testing his own work, when it shall be immediately turned off, or upon receiving a written order from the Water Works Superintendent.

#### 2.25. Water Meters, Installation, Maintenance and Removal.

(1) Meters. All premises using City water shall be metered. Meters shall remain the property of and under the control of the City. Not more than one (1) residence, business, industry or commercial institution shall be served by one (1) meter. Each premises so metered shall have its own separate water supply line and shut-off valve in the street.

(2) Locations. Meters shall be located at a point where the water service first enters the basement wall. Where there is no basement, the meter shall be located where the water service first enters the building, or in a meter pit between the curb and the sidewalk, if the Superintendent of Water deems it necessary. Such pits shall be constructed by or at the expense of the owner, in conformity with standard plans on file in the office of the City Engineer. The construction must be approved by an authorized inspector of the Frankenmuth Water Department.

(3) Valves. The water service shall be provided with a valve close to and on the inlet side of the meter. The outlet pipe on meters of size one and one-half (1½) inches or larger shall also be provided with a valve close to the meter. These valves shall be roundway, and shall be of the gate type with operating wheel.

(4) Clearance. Meters shall be set in a horizontal pipe not less than five (5) inches from a wall or stationary object, and not over four (4) feet from the floor. There shall be at least eighteen (18) inches of clearance above the top of one (1) inch and smaller meters, and six (6) inch clearance on either side of inlet and outlet port. Clearances for larger installations shall conform to standard specifications established by the City. Meters shall not be set in inaccessible locations nor enclosed unless written permission is first obtained from the Superintendent of Water. Should a meter be made inaccessible or enclosed, making maintenance and reading difficult or impossible, the Superintendent of Water may order the customer to move the meter to an accessible location. Any cost of relocation shall be at the expense of the water customer.

(5) Damage to Meters. Owners or persons in charge of premises housing meters shall be responsible for damages to a meter by hot water, frost, or other causes not controlled by the City.

- (6) Meter Seals. Only authorized employees of the City shall break a seal on a meter, or meter by-pass. After breaking the seal on a meter or meter by-pass, the authorized person shall immediately notify the Superintendent of Water.
- (7) Reading, Repairing and Removing. Authorized employees of the City of Frankenmuth shall have the right to enter any premises on which City water is used to inspect, adjust, read, repair or remove water meters or appurtenances in connection with said water meters at any reasonable time.
- (8) Electrical Grounding. No person shall ground or electrically connect any radio, telephone, or other electrical system to the discharge side of any water meter unless:
- (a) A shunt is placed around the water meter that will by-pass any electrical current so connected, or
  - (b) At least ten (10) feet or more of metal water pipe is connected to and buried in moist earth on the discharge side, and,
  - (c) Any shunt placed around the water meter shall be so placed that the meter may be removed without disturbing the shunt. No electrical connection shall be made to the water meter, the meter union, or meter tailpiece.
- (9) Alterations or Changes. No person shall change the location of a meter or meter pit, alter the grade so that it will cover up or create a hazard around any meter pit or stop box, or in any way obstruct the free access to any water meter, meter pit, or stop box without the written permission of the Superintendent of Water.
- (10) Meter Spacer Pipes. Only authorized Water Department personnel shall be allowed to install meter spacer pipes.
- (11) Meter By-Pass. Meters two (2) inches or larger shall have a meter by-pass installed with proper gate valves that can be sealed by the City.

#### 2.26. Installation and Maintenance of Outside Remote Water Meter Registers.

- (1) Outside Registers. All outside registers installed on City water meters shall be furnished by the City and remain the property of and under the control of the City.
- (2) Installation. All outside water meter register installations shall be made by authorized employees of the Water Department with equipment and materials specified and furnished by that Department.
- (3) Damage to Registers. Owners or persons in charge of premises having outside water meter registers shall be responsible for protecting the register from damage. The City reserves the right to discontinue the outside water meter register service should maintenance of register be a problem due to damage not under the control of the City or due to vandalism.
- (4) Location. Outside registers shall be so located that readings can be obtained without entering any portion of the dwelling, including garages and enclosed fenced yards. The area around the register shall be kept clear of shrubbery, plantings and other obstacles, which would make reading difficult.
- (5) Alterations or Changes. The location of the outside register shall not be changed without the written permission of the Water Department.

(6) Priority. The priority for the installation of outside registers shall be on the following basis:

(a) At all new residential installations.

(b) At those premises where readings have been difficult to obtain due to persons not being home during working hours, or where the meter is so located that readings are difficult or impossible to obtain.

(c) On all existing meters for which application is received. These installations will be made on the basis of the date of application or at the discretion of the Superintendent of Water.

(7) Charges. Outside registers will be assessed an additional twenty-five cents (\$0.25) per month meter charge, or as the Council may direct from time to time.

#### 2.27. Rules and Regulations for Water Meters.

(1) In the event a meter shall fail to register properly the Water Works Superintendent is empowered to estimate the quantity of water used on the basis of former consumption and bill accordingly.

(2) If any consumer shall desire to have his water meter tested he shall deposit with the Superintendent a fee as determined by the City Council. The Superintendent shall thereupon cause the meter to be tested, provided that the customer is willing to witness the test.

(3) A water meter shall be considered accurate if, when subjected by the Superintendent to a standard test, its register indicates not to exceed two percent (2%) more or two percent (2%) less than the actual quantity of water passing through it. If its register indicates to exceed two percent (2%) more than such actual quantity of water passing through it, it shall be considered "fast" to that extent. If its register indicates to exceed two percent (2%) less than actual quantity of water passing through it, it shall be considered "slow" to that extent.

(4) If a meter has been tested at the request of a consumer and shall have been determined to register "fast" the City shall credit the consumer with a sum equal to the percentage "fast" multiplied by the amount of all bills incurred by said consumer, within the three (3) months prior to the test, and if a meter so tested is determined to register "slow" the Superintendent is hereby empowered to collect from the consumer a sum equal to the percentage "slow" multiplied by the amount of all the bills incurred by the consumer for the prior three (3) months. When the Superintendent makes a test of a water meter at his own instigation, it shall be done without cost to the consumer, other than his paying the amount due the City of water used by him as above provided, if the water is found to be "slow".

(5) A record of the date when each meter was furnished to a consumer, its number, cost and location shall be kept in the office of the Water Works Superintendent. There shall also be kept in the office of the Superintendent an accurate record of the amount each consumer is credited on account of his meter, and, if a test is made, a record of the date and result thereof.

#### 2.28. Miscellaneous Provisions.

(1) No water main, connection or extension shall be covered until inspected and approved by the Water Works Superintendent or his employees who shall be notified when such construction is ready for inspection.

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- (2) No person shall refuse to admit or hinder any authorized agent of the City to enter premises owned or occupied by him for the purpose of reading a water meter or inspecting a water meter or any pipe in connection with the Water Distribution System.
- (3) Each consumer shall keep his own service pipe, stopcocks and other apparatus in good repair and protected from frost at his own expense and shall prevent all unnecessary waste of water and no claim shall be made against the City by reason of the freezing or breaking of any service pipes, stopcocks or other apparatus, and the consumer shall provide a safe place for all meters, which place shall reasonably protect said meters from damage, jarring, freezing, excessive heat or other outside interference of every kind whatever.
- (4) In case any person shall for the space of thirty (30) days after any water bill has become due and payable refuse or neglect to pay the same, the Superintendent is authorized to cause the water to be shut off, and it shall not be turned on again until all arrearages in water charges are paid in full together with a turn-on charge to cover expense of shutting off and turning on the water. All past due water bills may be collected from the consumer by suit at law or assessed against the premises where the water was used and to the owner thereof, in accordance with Chapter 24 of this Code.
- (5) Responsibility for Leaks. The City will assume no responsibility for excessive water bills occasioned by a leak in a water service.
- (6) Multiple Services. In the event one (1) water connection and one (1) or more meters serve a multiple family dwelling or two (2) or more single dwellings, the meters shall be in the name of the property owner owing the connection, who shall be responsible for all water service charges. No owner contracting to furnish water to one (1) or more tenants in such cases shall discontinue furnishing said water to any unit as long as said unit is occupied.
- (7) Private Swimming Pools. The City will, upon application to the City Manager, fill private swimming pools from a fire hydrant. The cost of providing said service shall be billed to the applicant at the actual cost incurred by the City for time, materials and equipment, plus fifteen percent (15%).
- (8) Lawn Sprinkling Systems. Lawn sprinkling system permits (issued by the City Water Department) are required for all new lawn sprinkling installations and/or additions. Those lawn sprinkling systems requiring a permit shall not be activated without an inspection and approval by the City Water Department.

All lawn sprinkling systems (including new and existing systems) shall comply with the Michigan Department of Public Health Rules and Regulations. Abandoned lawn sprinkling systems which are not in compliance with said Rules and Regulations shall comply with the following provisions:

- (a) The lawn sprinkling system piping shall be cut and capped by the owner at a point or points to be determined by the City Water Department.
- (b) The backflow preventer shall be physically removed by the owner.

The City Water Superintendent is authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this Section exists and to take other such 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 the proper corrections are made in compliance with the provisions of this Section.

(Ordinance No. 1995-4; 06-06-1995)

(9) No physical connection shall be installed or maintained between lines carrying potable public water supplies and pipes, pumps or tanks supplied or possible of being supplied from any non-potable source, except as hereinafter provided. Where dual supplies are necessary or desirous, lines carrying water from the public supply must be protected against back flow of polluted water by such method or methods as may be approved by the Public Health Department for the State of Michigan. No contract shall be made, entered into or approved with commercial users of water other than those provided herein, unless provisions approved by the Michigan Department of Public Health have been incorporated so that pollution of potable public water supply shall not be possible.

(10) All fast-closing valves must be compensated by surge chambers.

#### 2.29. Polluting Water.

(1) Any person who shall willfully do or cause to be done, any act whereby any work, materials or other property whatsoever, erected or used within or without the City (or by any person acting under its authority) for the purpose of procuring or keeping a supply of water, shall be injured, or who shall willfully throw or place or cause to be thrown or placed any deleterious or filthy substance (including sewerage) whatever, into any reservoir, pipe or aqueduct through which water for private or public use is conveyed, through which the supply of water, or any part thereof is received, shall be guilty of a violation of this Code.

2.30. Tampering. Every person who willfully or fraudulently injures or suffers to be injured, any meter, stopcock, service pipe, hydrant or other apparatus or prevents any water meter belonging to the City from duly registering the quantity of water supplies through the same or in any way hinders with its proper action or just registration, or attaches any line or pipes to any line belonging to the City, or otherwise uses, or causes to be used, any water supplies by the City, unless same passes through a meter located and installed under direction of the Superintendent or fraudulently uses water or wastes the same, shall be guilty of a violation of this Code.

In all prosecutions under this section it shall be prima facie evidence of the violation of the provisions of this section to show that the defendant had control of and occupied premises where the offense was committed, or received the benefit of such water so used.

2.31. Fire Hydrants. Any person, unless he be a fireman or City employee, or other person authorized in writing by the Water Works Superintendent, who opens or tampers with a fire hydrant shall be guilty of a violation of this Code.

#### 2.32. Water Emergency.

(1) Determination of Water Emergency. When the City Manager shall determine that the consumption of water by the City and by its wholesale raw and treated water users has or is about to equal or exceed the total supply being received by the City of Frankenmuth from the City of Saginaw Water Supply System, he shall declare that a critical water consumption period exists and place in effect the maximum day allotment schedule approved by the Council.

(2) Declaration of Water Emergency. At such time as the City Manager shall determine that water consumption within the City of Frankenmuth has or is about to equal or exceed the supply available to the City for use of its water customers in the City on a continuing basis, he shall declare that a water emergency exists.

(3) Uses Prohibited During Water Emergency. When the City Manager shall have declared that a water emergency exists, the use and withdrawal of water by any person from the City water distribution system for any of the following purposes is hereby prohibited:

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- (a) Watering of Yards. The sprinkling, watering or irrigation of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation.
- (b) Cleaning Outdoor Surfaces. The washing of sidewalks, driveways, filling station aprons, porches and other outdoor services.
- (c) Swimming Pools. Swimming and wading pools not employing a filter and recirculating system.
- (d) Escape through Defective Plumbing. The escape of water through defective plumbing, which shall mean knowingly permitting defective plumbing to remain out of repair.
- (4) Notice of Water Emergency. When the City Manager shall have declared that a water emergency exists, notice thereof shall be given by releasing the same to the official daily newspaper of the City and to all radio and television stations whose broadcasts serve the City. Such notice shall advise of the time of commencement of such emergency and that the same will continue until notice of termination thereof is given by the City Manager through the same media.
- (5) Termination of Water Emergency. When the City Manager shall determine that the conditions which caused the declaration of the emergency no longer exist, he shall so declare and give notice of such determination as provided herein.
- (6) When the City of Saginaw Water Supply System declares a necessity for a water conservation period by its customers, all customers of the City of Frankenmuth water system, both its residents and wholesale raw or treated water users, shall comply with the restrictions as announced by the City of Saginaw Water Supply System for all of its users.
- (7) Fine; Discontinuance of Water Service. Any person who, during any water emergency, knowingly uses or withdraws water from the City water distribution system for any of the purposes prohibited by this Section shall be subject to a fine for violation of this Chapter as provided by Section 2.34(1) for each violation; and, in addition, if any person refuses to discontinue a violation, that person shall be subject to discontinuance of water service until the water emergency is terminated.

(Ordinance No. 1997-06, 08-05-97; Ordinance No. 2002-05, 08-07-2002)

### 2.33. Cross Connections.

- (1) The City of Frankenmuth adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Public Health, being R 325.431 to R 325.440 of the Michigan Administrative Code.
- (2) It shall be the duty of the Superintendent to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Superintendent and as approved by the Michigan Department of Public Health.
- (3) Representatives of the Water Department 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 systems thereof for cross connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on

such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

(4) The Superintendent is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this section 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 the cross connections have been eliminated in compliance with the provisions of this section.

(5) The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by the State Water Supply Cross Connection Rules of the Michigan Department of Public Health. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

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(6) This section does not supersede the State Plumbing Code or Chapter 98 of this Code but is supplementary to them.

2.34. Violation; Municipal Civil Infraction; Misdemeanor.

(1) A person who violates any provision of this Chapter, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$100.00 nor more than \$500.00, plus costs and other sanctions, for each violation. Repeat offenses shall be subject to increased fines provided for in section 1.12(3)(b) of this Code. Superintendent of Public Works is hereby designated as the authorized City official to issue a municipal civil infraction citation (directing alleged violators to appear in court) or municipal civil infraction violation notice (directing alleged violators to appear at City of Frankenmuth Municipal Ordinance Violations Bureau) for violations under this Chapter as provided by this Code.

(2) A person who violates Section 2.29 or Section 2.30 of this Chapter shall, upon conviction, be guilty of a misdemeanor punishable as provided by Sections 1.12(1) and (2) of this Code.

(Ordinance No. 2002-05, 08-07-2002)