

RESOLUTION 2024-02
City Council
City of Hart, Michigan

***DIRECT CITY MANAGER AND CITY STAFF TO EXECUTE WORK
FOLLOWING CITY ORDINANCE CHAPTER 1048 [WATER]***

WHEREAS, the City of Hart operates and maintains a fresh drinking water system; and

WHEREAS, the State of Michigan Department of Environment, Great Lakes, and Energy oversee state statutes which establish safe drinking water standards; and

WHEREAS, current standards are adopted in city ordinance 1048, most recently reviewed in 2016; and

WHEREAS, current standards include language pursuant to Michigan Administrative Code R325.11401 through R325.11407 requiring regular inspection of commercial and residential water cross connections; and

WHEREAS, a 2024 water system project in the City of Hart includes the additional of automated meter reading technology, replacement of aging water meters, cross-connection inspections; and

WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare:

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Has reviewed existing city ordinance 1048 and reaffirms the City Manager and Water Departments responsibility to follow the state mandates as referenced by the ordinance.

Directs the City Manager, City Staff, and third party contractors to execute work pursuant to meet safe drinking water standards.

Moved by _____, supported by _____, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, January 9, 2024.

Ayes ___ Nays ___ Absent ___

CHAPTER 1048

Water

- 1048.01 Supervision and control.
- 1048.02 Connection charges.
- 1048.03 User charges.
- 1048.04 Billing of charges.
- 1048.05 Water charges a lien.
- 1048.06 No free service.
- 1048.07 Operating year.
- 1048.08 State cross connection rules adopted.
- 1048.99 Penalty.

CROSS REFERENCES

Water supply generally - see Mich. Const. Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 123.111 et seq., 486.51 et seq., 486.101 et seq.

Fluoridation of water system - see CHTR. Ch. XVI

Water quality - see M.C.L.A. Secs. 67.38, 323.1 et seq.

Water supply in home rule cities - see M.C.L.A. Secs. 117.4b, 117.4e, 117.4f, 117.35, 123.115

Water pollution - see GEN. OFF. 670.05, 670.06; S.U. & P.S. 1040.03

Water in subdivisions - see P. & Z.1222.03

Water connections - see P. & Z.1260.11

1048.01 SUPERVISION AND CONTROL.

The construction, alteration, repair and management of the waterworks system shall be under the supervision and control of the City Manager, subject to the overall supervision and control of the City Council of the City of Hart. The City Council may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the waterworks system.

(Ord. 56. Passed 6-3-58.)

1048.02 CONNECTION CHARGES.

The connection charge for all connections to the waterworks system shall be as provided by the City Council from time to time.

1048.03 USER CHARGES.

(a) Property Located Inside City. All property located within the City of Hart connected with the City waterworks system shall pay the following rates per month:

<u>Amount Used (gallons)</u>	<u>Rate</u>
First 3,000 or fraction thereof	\$3.30
Next 10,000 or fraction thereof	.60 per thousand gallons or fraction thereof
All over 13,000 gallons	.35 per thousand gallons or fraction thereof

(Ord. 165. Passed 2-27-90.)

(b) Property Located Outside City. All property located outside the City limits and connected with the City waterworks system shall pay at the rate of 200 percent of the rates charged to property located within the City.

(Ord. 148. Passed 9-13-83.)

(c) Special Rates. For miscellaneous services for which a special rate shall be established, such rates shall be fixed by the City Council.

(d) Turn-on charges. There will be imposed a charge of seven dollars and fifty cents (\$7.50) whenever the City is requested to turn on or off water services, provided, however, that whenever the City is requested to provide turn on or off service at times other than the regular business hours of the City, there will be imposed an additional charge of time and material plus ten percent.

(e) Revisions Authorized. The City Council, pursuant to Act 94 of the Public Acts of 1933, as amended (M.C.L.A. 141.011 et seq.), may, from time to time, by resolution, revise the water rate charges to meet the financial needs of the waterworks system.

(Ord. 138. Passed 9-8-81.)

1048.04 BILLING OF CHARGES.

The City Clerk shall render bills for water service and all other charges in connection therewith and shall collect all moneys due therefrom. Bills for the rates and charges as established by the City shall be sent monthly. All bills shall be payable on the tenth day of the month following the receipt of the bill, and shall be paid at the office of the Clerk of the City of Hart. If any charge for the services of the waterworks system shall not be paid by the tenth day of the month in which it shall become due and payable, a delayed payment charge of ten percent of the amount of the bill shall be added thereto and collected therewith. If any bills for the service of the waterworks system shall remain unpaid after sixty days following the rendition of the bill therefore, the water supply for the lot, parcel of land or premises affected shall be cut off and shall not be turned on again except on payment in full of the delinquent charges therefore, in addition to the payment of a charge of ten dollars (\$10.00).

(Ord. 138. Passed 9-8-81.)

1048.05 WATER CHARGES A LIEN.

The City does hereby adopt the Revenue Bond Act, being Public Act No. 94 of 1933 (MCL 141.101 et seq.). Charges for services, as defined in said Act, furnished to a premises shall be a lien on the premises, and those charges delinquent for six months or more shall be certified by the City Council on or before April 1 each year to the City tax assessing officer who shall enter the lien on the next tax roll against the premises to which the service shall have been rendered, and the charges shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon the roll and the enforcement for the lien for the taxes. However, that the charges shall not become a lien against the premises from and after the date of written notice to the City that a tenant is responsible for the charges in accordance with Section 21 of said Act (MCL 141.121), except that, in the event of filing of the notice, no further service shall be rendered to such premises until a cash deposit, as established by the City shall have been paid to the City as security for the payment of such charges. The cash deposit shall be in an amount of the projected billing for not less than a one-month period and not more than a three-month period, said determination of deposit to be solely at the discretion of the City. In the event that more than one residential unit or apartment unit will be served from one meter, the applicant will deposit the applicable amount, as provided by the City for each residence or apartment unit to be served through one meter. In addition to other remedies provided, the City shall have the right to shut off and discontinue the supply of water to any premises for the nonpayment of water charges when due. In the event water charges for services furnished to any premises are not paid on or before the shutoff date indicated on the regular utility billing statement, water service shall be shut off and discontinued and shall not be restored until all such charges and fees have been paid.

(Ord. 2016-02. Passed 3-22-16.)

1048.06 NO FREE SERVICE.

No free service shall be furnished by said system to any person, firm or corporation, public or private, or to any public agency or instrumentality.

(Ord. 56. Passed 6-3-58.)

1048.07 OPERATING YEAR.

The waterworks system shall be operated on the basis of an operating year beginning July 1 and ending on June 30 of the following year.

(Ord. 56. Passed 6-3-58.)

1048.08 STATE CROSS CONNECTION RULES ADOPTED.

(a) The City hereby adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality, being R325.11401 through R325.11407 of the Michigan Administrative Code as it presently exists.

(b) The City or authorized representative shall cause inspections to be made of all properties served by the public water supply where cross connection with the public water supply is deemed possible for the purpose of enforcing this section. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the City and as approved by the Michigan Department of Environmental Quality.

(c) All testable backflow prevention devices shall be tested, at owner's expense, upon installation to be sure that the device is working properly. Subsequent inspection, testing and/or repair of devices shall be conducted, at owner's expense, on an annual basis or as required by the City and in accordance with the Michigan Department of Environmental Quality requirements. Only individuals that are approved and State of Michigan certified shall be qualified to perform such testing. Individual(s) shall certify the results of his or her testing and forward said results to the City.

(d) On request, the owner, lessee or occupant of any property served by the public water system of the City 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 to access, when requested, shall be prima-facie evidence of the presence of a cross connection.

(e) Upon refusal of access or the unavailability of the owner, lessee or occupant, the City, or authorized representative, may obtain a search warrant through the City Attorney to enter any property served by a connection to the public water system of the City for the purpose of inspecting the piping systems thereof for cross connections. However, a warrant need not be obtained in cases where there is imminent danger of contamination to the public water system.

(f) The City 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. However, said notice shall inform the owner, lessee or occupant of the property of his or her right, if he or she so elects in writing within five days from receipt of said notice, to a hearing at the next regularly scheduled City Council meeting to determine whether or not his or her water service should be terminated. Further, water service may be terminated without notice and/or hearing in cases where there is imminent danger to the public water system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this section.

(g) The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this section and by the State of Michigan Plumbing Code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: "Water Unsafe for Drinking."

(h) This section does not supersede the State of Michigan Plumbing Code or any City ordinance, but is supplementary to them.

(i) No person shall violate any of the provisions of this section, or any written order of the City in pursuance thereof.

(j) Any person found guilty of violating any of the provision of this section or any written order of the City, in pursuance thereof shall be punished as a civil infraction by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand five hundred dollars (\$1,500) for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this section.

(Ord. 2005-2. Passed 3-21-05.)

1048.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)