

**STATE OF MICHIGAN
COUNTY OF HURON
VILLAGE OF PORT AUSTIN**

NOTICE OF ORDINANCE AMENDMENTS
ADOPTION WATER USE AND RATE ORDINANCE
ORDINANCE NO. **91-04**

The Village of Port Austin has adopted

AN ORDINANCE TO PROVIDE FOR TI-JE PUBLIC HEALTH BY OPERATION OF THE PORT AUSTIN AREA WATER SUPPLY SYTEM IN THE VILLAGE ON A PUBLIC UTILITY BASIS UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN 1933, AS AMENDED, AND TO PRESCRIBE THE CHARGE RATES FOR THE USE OF SAID FACILITIES AND TO PROVIDE FOR OTHER MATTERS PERTAINING TO THE SYSTEM.

Among other things, the ordinance provides for definitions of terms used, management of the system, access to and use of the system, prohibitions, methods of enforcement, use, and connection rates, and other matters.

The ordinance is effective 20 days after publication.

Copies of the full text of the ordinance are available for inspection or purchase at Port Austin Village Hall, 17 W. State Street, Port Austin, Michigan 48467;
(989) 738-5199.

Village of Port Austin
Huron County, Michigan
WATER USE AND RATE ORDINANCE
ORDINANCE 91-04

AN ORDINANCE TO PROVIDE FOR THE PUBLIC HEALTH BY OPERATION OF THE PORT AUSTIN AREA WATER SUPPLY SYSTEM IN THE VILLAGE ON A PUBLIC UTILITY BASIS UNDER THE PROVISIONS OF ACT 94. PUBLIC ACTS OF MICHIGAN 1933. AS AMENDED, AND TO PRESCRIBE THE CHARGE RATES FOR THE USE OF SAID FACILITIES AND TO PROVIDE FOR OTHER MATTERS PERTAINING TO SAID SYSTEM.

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The Village of Port Austin ordains:

TITLE:

This Ordinance shall be known as the "*Village of Port Austin Water Use and Rate Ordinance*" and may be cited as such.

PURPOSE:

The purpose of this Ordinance is to establish standards, rules and regulations concerning the use of the *Port Austin Area Sewer and Water Authority Water System*: to provide for the rates and charges for the connection to, and use of the System.

1.0.0 DEFINITIONS

- 1.1. For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context in which they are used specifically indicates otherwise.
- 1.2. "*Authority*" -The Port Austin Area Sewer & Water Authority and its authorized representatives.
- 1.3. "*AWWA*" -American Water Works Association
- 1.4. "*Commercial User*" shall mean any user of the System other than a residential user, or buildings used primarily as a domicile.
- 1.5. "*Commodity charge*" shall mean a variable unit charge payable by a user based on the actual water consumption as determined in this Ordinance.
- 1.6. "*Consumer*" -The person, or legal entity, served by or using water supplied by the Village.
- 1.7. "*Consumer's Installation*" -All pipes, valves, stops, plumbing, and contrivances of every kind and nature used in connection with, or forming a part of, the consumer's installation for using water for any purpose, connected directly or indirectly with the corporation stop at the main.
- 1.8. "*Corporation stop*" -A valve which is inserted into the main for the connection of the water supply service pipes in sizes up to and including two inches in diameter.
- 1.9. "*Cross Connections*" -Shall mean a connection or arrangement of piping or appurtenances through which water of questionable quality, wastes or other contaminants could possibly flow back into the Water Distribution System because of a reversal of flow.
- 1.10. "*Curb Box*" -A box or metal housing which encloses, protects and provides access to the curb stop.

- 1.11. "*Curb Stop*" -A valve for insertion in the service pipes, in size of three-fourths inch (3/4") to two inches (1") in diameter, inclusive, at or near the curb line.
- 1.12. "*Department*" -PAASWA which is responsible for water distribution of the Village.
- 1.13. "*Director*" -Shall mean the Director of PAASWA or his authorized representative.
- 1.14. "*Inspector*" -The Authority inspector or his designee.
- 1.15. "*Lot*" -Shall mean a parcel of land occupied or intended to be occupied by a main building. A lot may or may not be specifically designated as such on public records.
- 1.16. "*Meter Box*" -Any approved box or vault for the housing of water meter.
- 1.17. "*PAASWA*" -The Port Austin Area Sewer & Water Authority and its authorized representatives.
- 1.18. "*Permittee*" -A consumer or his agent receiving a permit from the Authority allowing a connection to be made to the water system.
- 1.19. "*Person*" -Shall mean any individual, firm, partnership, association, public or private corporation or public agency or instrumentality or any other entity receiving water service.
- 1.20. "*Premises*" -Shall mean each lot or parcel of land or building having any connection to the Water System. Unoccupied premises are those which have been vacated or the consumer has not been present for a period of fourteen days or more.
- 1.21. "*Revenues*"ⁿ -Whenever the words "revenues" and "net revenues" are used in this ordinance. they shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933 as amended.
- 1.22. "*Saddle, Tapping Saddle*" -A device that is attached to the main for the purpose of holding in place the corporation stop.
- 1.23. "*Service Control Valve Box*" -A box or metal housing which encloses, protects and provides access to the service control valve.
- 1.24. "*Stop and Waste Valve*" -A valve installed at the termination of the water supply service pipe of three fourths inch (3/4") and one inch (1") sizes, and at the beginning of the consumer's installation.
- 1.25. "*System*" -Shall mean Water System.
- 1.26. "*Tap*" -The drilling and threading of an opening in a main for insertion of a corporation stop.
- 1.27. "*Village*" shall mean the Village of Port Austin, located in Huron County, Michigan, and/or its duly authorized agent or representative.

- 1.28. "*Village Council*" -Shall mean the governing body of the Village and/or its duly authorized agent or representative.
- 1.29. "*Water Connection*" -Shall mean that part of the Water Distribution System connecting the water main to a point terminating at a meter or meter pit or vault.
- 1.30. "*Water Service Pipe*" -Shall mean that pipe connecting the water main with the premises served. This includes the connection to the water main or the corporation cock, the shutoff valve, and the valve on the inlet side of the meter.
- 1.31. "*Water Distribution System*" -Shall mean the entire system for distribution of potable water in the geographic area of the Village's system.
- 1.32. "*Water Main*" -Shall mean that part of the Water Distribution System located within easement lines or streets and designed to supply more than one water connection.
- 1.33. "*Water System*" -Shall be understood to mean the complete facilities of the Village's Water Supply System including all water storage facilities, and transmission lines, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired. The system may be comprised of separate facilities located in separate water supply districts.

2.0 PROVISIONS DEEMED INCORPORATED IN ALL CONTRACTS

2.1 Contract for Service.

All provisions and sections of this ordinance about the Village's Water System(s) and sale and use of water and/or amendments or additions which may be subsequently adopted, shall be considered a part of the contract with every person that is supplied with water through the water system of the Village, and every person by accepting water shall be considered to express his/her consent to be bound thereby, and whenever any provision or section of this ordinance about the water system is violated, the water service may be cut off from the building or place of violation at the discretion of the Authority and shall not be turned on again except on correction of the violation and payment of the expenses of shutting off and turning on. In the event of non-payment, all such costs may be assessed against the property.

2.2. Save Harmless Clause.

The consumer shall indemnify, save harmless and defend the Village against all claims, demands, cost or expense for loss, damage or injury to persons or property in any manner, directly or indirectly, growing out of the transmission and use of water by the consumer from water service pipes installed by the consumer on the consumer's premises.

3.0 ADMINISTRATION/MANAGEMENT

3.1. Establishment of a Public Utility.

It is hereby determined to be desirable and necessary for the public health, safety and

welfare of the property owners in the Village that the Village's Water System be operated on a public utility rate basis.

3.2. Supervision and Control.

The operation and management of the System, shall be under the immediate supervision and control PAASWA.

3.3. Rights

The Authority has the exclusive right to establish, maintain, and collect rates and charges for water supply service from the water system. The Authority may make such rules, orders or regulations as it deems advisable and necessary to assure the efficient management and operation of the System. The Authority may employ such person or persons in such capacity or capacities as it deems advisable to carry out the efficient management and operation of the System.

3.4. Operating Year

The system operation shall be based on an operating fiscal year commencing on March 1 and ending on the last day of February the next following.

3.5. Annual Audits

The Authority shall provide an *Audited Annual Financial Statement* to the Village.

3.6 Compliance with State and Federal Standards and Regulations

Standards and regulations established in this Ordinance or pursuant hereto are deemed to be the minimum standards consistent with the preservation of the public health, safety and welfare and are necessary to fulfill the obligations of the Village concerning State and Federal Law and the rules and regulations adopted pursuant thereto.

3.7. Additional Regulations.

The Authority may by resolution make additional rules and regulations concerning the Water Distribution System, connections thereto, meter installation and maintenance, hydrants and water mains and appurtenances thereto, which are not inconsistent herewith.

3.8. Restricting Water Use.

The Authority may regulate, limit or prohibit the use by a consumer of the Village's supplied water for any purpose. Such regulations may limit use of water by a consumer to the extent deemed necessary to assure an adequate supply for essential needs and for fire fighting.

4.0 VILLAGE'S LIABILITY EXEMPTION

4.1 Interruptions in service.

The Village and or the Authority shall not be responsible for interruptions of service because of natural calamities, equipment failures, or actions of the system users.

4.2 Plumbing maintenance and failure.

It shall be the responsibility of the consumer that all connected equipment remain in good working order. No claim or cause of action may be asserted against the Village or the

Authority by reason of the breaking away of any pipe, service cock, or for any other interruption of the water supply.

4.3 Service location costs.

The Authority shall not be liable for any expense incurred by a permittee in locating mains, services, curb stops, and water records.

5.0 ACCESS

5.1 Inspection

The Director and other duly authorized representatives of the Authority bearing proper credentials and identification shall be permitted to enter upon all properties served by the water system at reasonable times for the purpose of inspection, observation, measurement sampling and testing to determine compliance with the provisions of this Ordinance. Any person who requests water supply and/or receives water from the Water System under this Ordinance shall be deemed to have consented to inspections pursuant to this section, including entrance upon such person's property at reasonable times to make inspections.

5.2 Meter Reader Access.

Any duly authorized agent or employee of the Authority shall have access to the consumer's premises at all reasonable hours for the purpose of reading meters, inspections, doing repairs or installing or removing any or all Authority owned apparatus used for providing service to the consumer.

6.0.0 USE

6.1.0 Consumers Use of the Water System.

Any person owning property within a water supply district established by the Village and conforming to the standards, rules and regulations established in or under terms of this Ordinance shall be permitted to receive water, as long as it is available, from the water system provided necessary water supply lines are in existence and abutting the consumer's property.

6.1.1 Required Connection.

Each developed residential, commercial, or industrial premise and/or each new structure built, other than sheds, residential garages, and/or additions to existing structures, abutting the System shall be required to connect to the System within sixty (60) days of delivery of notice to do so.

6.1.2. Turning on Water Service.

No person other than an authorized employee of the Authority shall turn on or turn off any water service at the curb stop.

6.1.3. Turning Off Service.

A) Default in Payment

The Authority reserves the right to terminate service to a consumer (after due notice has been given) where payment for water supply has not been timely received, and/or for violation of this ordinance or any rules and regulations

adopted pursuant thereto.

B) System Repairs

The Authority may shut off the water in any main to make repairs or extensions, or for any other necessary purpose at any time without notice to consumers.

C) Consumer Repairs

1) The consumer shall maintain all service pipes free from leaks at all times.

2) Whenever the Authority becomes aware that a consumer's installation allows water to escape without registering on the meter, the Authority may either:

a) Immediately terminate the service if the premises are unoccupied and give written notice of such action to the consumer, or

b) Give the consumer written notice thereof and the consumer shall immediately proceed to repair such service pipe. If such repairs have not been completed within 48 hours after notice has been given, the Authority may stop the service by shutting off the water at the curb stop or by excavating to and closing or by the corporation stop. The costs incurred by the Authority of excavating and shutting off such service and any penalties imposed for water lost shall be paid by the consumer or by the owner of the property before service is restored. If, in the determination of the Authority, any leak on the consumer's installation is of such nature that endangers public safety or constitutes a nuisance or a source of waste, the Authority may shut off or stop such service until such leak is repaired.

6.1.4. Seasonal vacating of premises

Consumer shall provide the Authority with 24 hour written notice of intent to vacate premises for period in excess of 14 days during November I through April I. Service shall be terminated to such seasonally unoccupied premises.

6.1.5 Change of Consumer

When premises are to be vacated or if there is a change of owner, occupant or agent, prompt written notice shall be given to the Authority's office. The consumer may discontinue service by giving not less than 24 hours written notice to the Village's office during its regular office hours.

6.2.0 Outside Service Connections.

Water main extensions and domestic water connections to premises outside of water districts are prohibited, except where approved by the Authority.

6.3.0 Water Main Extensions.

The total expense of extending water mains shall be borne by the benefited property owners in accordance with provisions of a contract or by special assessments levied by the Village in accordance with State law.

6.4.0 Connection Permits Required; Applications; Deposits; Contents

6.4.1 . Application.

- A) Any person desiring to connect to the water system shall file a written application to the Authority and pay the water connection fee established by resolution of the Authority.
- B) Such application shall be made on forms provided by the Authority and shall contain the street name, house number, lot number, the name of the plumber or contractor, the names of the applicant and the owner, the size of the service pipe required by the consumer, and any other pertinent information which may be required by the Authority.
- C) The applicant shall submit plans and specifications as required by the Authority detailing the water system, including but not limited to all meters, lines, valves, sprinklers and attachments. The cost of review and inspection shall be borne by the applicant.
- D) An application must be made and approval obtained from the Authority at least twenty-four (24) hours before the time a tap is to be made.

6.4.2. Connection Permit

- A) Permit Required No person in the Authority's district shall connect to the water system unless the proposed connection has been approved by the Authority or its designated representative.
- B) Owner's agent Connection permits will be issued to licensed agents if the prospective lessee or owner consents in writing to the obtaining of such permit by the agent.

6.4.3. Code compliance

Water connections and Authority approved water meter shall be installed in accordance with the applicable building code and the regulations of this Ordinance and upon the payment of the required charges and fees.

6.4.4. Meters required

The Authority requires the installation of meters. The Authority shall install the water meter and will retain ownership of said meter. The cost of repairs to the meter will be borne by the customer.

6.4.5. Service line

The expense of water service pipe and installation from curb stop to structure shall be paid by the applicant.

6.5.0 Use on One Connection; Limitation

6.5.1. Separate service

Separate premises shall have separate curb stops, and service pipe installations.

6.5.2. Multiple consumers per structure

Whenever water is to be supplied to more than one consumer located in a single building and supplied through one service, the property owner shall be responsible for the payment of water bills.

6.5.3. Extension to adjacent properties prohibited

In no event shall a consumer extend service pipes or plumbing across any public way, or to any adjacent property in order to furnish service thereto, even though such adjacent property be owned by him.

6.6.0 Private Wells

6.6.1. Construction of private wells in established water service districts where municipal water is available is permitted only with PAASWA approval.

6.6.2. PAASWA may approve the construction and/or use of residential private wells that are not connected to the domestic water supply as an additional water source for outdoor uses (irrigation, auto washing, etc.)

7.0.0 SYSTEM VIOLATIONS

7.1.0 Prohibitions

No person in the Village's Water System shall:

7.1.1 Negligently, willfully or maliciously break, damage, destroy, uncover, deface or tamper with or alter, any structure, property, appurtenance, equipment or any other item which is part of the Water System.

7.1.2 Remove any water pipe, other water equipment or tools.

7.1.3 Prevent or circumvent a water meter from measuring water supplied by the water system.

7.1.4 Fraudulently obtain water from the water system, or to waste water from the water system. Persons violating this section shall be liable for damages to the system, civil penalties and criminal penalties under applicable state or Village law.

Persons violation this section shall be liable for damages to the system, civil penalties, and criminal penalties under applicable state of Village law.

8.0.0 ENFORCEMENT

8. 1.0 Penalties

8.1.1 Civil Infraction

Unless otherwise specified, persons violating any provision of this ordinance shall be responsible for a Grade D (Level 4) civil infraction. Each and every day of noncompliance is a separate violation. Agents of the Authority are specifically authorized to enforce the civil infraction violations and remedies.

8.1.2 Criminal violations

Any person found guilty of violating any provision of this Ordinance designated as a misdemeanor, shall be punished by a fine of not more than \$1000, or by imprisonment of not more than 90 days or both such fines and imprisonment in the discretion of the court.

8.1.3 Statutory violations

Nothing in this ordinance shall restrict enforcement of statutory violations.

8.2.0 Public Nuisance

A violation of this Ordinance is also declared to be a public nuisance and the Village may enforce same by injunction or other civil remedy, including the right to correct the violation and recover the costs of any losses and obtaining the necessary correction from the owner or person in charge of the premises therefore.

9.0.0 CHARGES

9.1.0 General

9.1.1. Purpose of Charges

Charges for the installation and use of the Water System are hereby established to recover the costs of administration, construction, reconstruction, maintenance of said system as are necessary to preserve the same in good working order, operation and replacement of the system, and to provide for the payment of any debt service obligations of the Authority as the same becomes due. Such charges shall be made in accordance with the provisions hereinafter set forth and shall be made against all premises which use the System.

9.1.2. Establishment of Rates. Subject to final approval by the Village Council, the rates for water service charges are to be established by resolution of the Authority, and may be established separately from time to time as necessary to ensure sufficiency of revenues in meeting the expenses of the water system. Rates need not be uniform for the separate water supply district.

9.1.3 Publication of rate schedule Following the Village Council's approval of the Authority's recommended rates to be charged for the water service under this Ordinance, the rate schedule shall be published. Said notice is to be published in a newspaper of general circulation in the Village within thirty (30) days following approval by the Village.

9.2.0 Types of Water Supply Charges.

9.2.1. Commodity Charge.

All the water use or residential, commercial, industrial, and other consumers connected to the System shall be measured by meter and the consumers shall be charged a commodity charge for water usage.

9.2.2. Readiness to Service Charge.

Consumers of the Water System shall be charged a readiness to service charge. All consumers of the Water System, whether residential or nonresidential, shall be charged a flat rate based on anticipated water supply demand.

9.2.3. Connection Charge.

The Authority shall charge and the consumer shall pay as a precondition to connecting to the water mains of the System, a connection charge. Said charges shall be paid at the time that an application for permission to connect to the water mains of the System is requested.

9.2.5. Special Service Charges.

The Authority may charge its customers and the customers shall pay for special services for which a rate shall be established. In the event of unmetered free flow consumer will be charged a fee established by the Authority.

9.2.6. Turn On/Off Charges.

The Authority may establish a charge to the customer, and the customer shall pay the charge whenever the Authority is requested to turn water services on or off; provided, however, that whenever the Authority is requested to provide turn on or off service at times other than the regular business hours of the Authority, the charge will be made at one and one halftimes the regular rate. The established fee to turn water on shall be charged to a customer whose service has been disconnected because of non-payment of a charge or fee due the Authority.

10.0.0 PAYMENT FOR USE OF THE SYSTEM

10.1.0 Responsibility for Payment.

10.1.1. The owner of the premises served by the water system shall be liable to the Authority for any charges and fees authorized to be charged by this ordinance.

10.1.2. When a single water service pipe serves two (2) or more consumer units, the owner of the premises shall be responsible for payment of water used on the premises.

10.1.3 The owner of the premises as well as any user of the water System at the premises shall be responsible to reimburse the Authority for any and all administrative costs and fees incurred by the Authority arising out of the use of "Miss Dig" services at the premises.

10.2.0 Billing, Collections and Customers Payments.

10.2.1. Meter Reading.

Meters will be read on a bi-monthly basis.

10.2.2. Bills.

The Authority shall render bills for water service and all other charges in connection therewith. Bills for water service shall be sent to consumers by first class mail.

10.2.3. REU Basis

Bi-Monthly water bills for users of the System shall be on a flat rate, Residential Equivalent Unit basis, as set forth in the rate resolution.

10.2.4. Due Date of Charges.

All bills shall be payable by the due date specified on the bills, and shall be paid at the office of the Village or the Authority in person or by mail.

10.2.5. Collections.

The Authority shall collect all monies due for water service and all other charges in connection with the water system.

10.2.6. Late Charges.

If any charge for the services of the water which has been billed to a customer of the water system, shall not be paid on or before the due date specified on the bill, a delayed payment charge often per cent (10%) of the amount of the bill shall be added thereto and collected therewith.

10.2.7. Unpaid Bills.

If any bills for the service of the System shall remain unpaid after 60 days following the due date specified on the bill therefore, the water supply for the lot, parcel of land, or premise affected may be cut off and if cut off shall not be turned on again except on payment in full of the delinquent charges therefore, and the fee charged for resumption of service. The Authority shall send a notice to its customers of intent to terminate service. If payment is not received, or satisfactory arrangements have not been made within seven (7) days after the shut off notice is sent to the consumer, the water service shall be shut off. No water service that has been discontinued because of non-payment shall be restored until all past due bills are paid or satisfactory arrangements for such payment are made.

10.2.8. Non Receipt of Bill.

Failure of the consumer to receive any bill shall not relieve him/her of the liability for the charges incurred, and the consumer shall notify the Authority if a bill has not been received by the 15th day of the end of a billing period.

10.2.9. Charges to Become a Lien Upon Premises.

The Authority shall have as security for the collection of water supply rates, assessments or charges due or to become due for the use and installation, repair, or maintenance to any house building, or premises, a lien upon the building or premises, lot or lots, upon which the water system service was supplied. This lien shall become effective immediately upon the providing of the water system service to the premises or property supplied.

- A) The lien created by this ordinance shall have priority over all other liens except taxes or special assessments. The lien created by this ordinance shall not apply if a written lease has been legally executed containing a provision that the lessor shall

not be liable for payment of water use charges, providing the lease was executed prior to the supply of water for which the charges are made and providing that the lessor has filed an affidavit with the Authority verifying the execution of a lease containing such provision. The lessor shall give the Authority twenty days advance written notice of any cancellation, change, or termination of the lease. The affidavit shall contain a notation of the expiration date of the lease.

- B) Charges for water services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, shall be made a lien on all premises served thereby. The charges for water furnished to any premises are hereby recognized to constitute such lien and whenever any such charge against any piece of property or premise shall be delinquent for six months, or more, that fact shall be certified on April 1 of each year, to the tax assessing officer of the Village. Whereupon such charge shall be by him or her entered upon the next tax roll as a charge against such piece of property or premises and the charges shall be collected and the lien thereof enforced in the same manner as general property taxes against such premises.

11.0.0 METERS.

11.1.0 Meters Required; Use:

- 11.1.1. All Authority water used on any premises must pass through a water meter. Any bypass between the meter and the main is prohibited.
- 11.1.2. All premises using Authority water shall be metered and shall pay for water at the rates specified.
- 11.1.3. Water meters shall be obtained from the Authority.
- 11.1.4. All water meters existing and installed before the adoption of this Ordinance shall be maintained at the expense of the property owner and/or tenant.
- 11.1.5. Each water meter shall be served by its own water connection and water service pipe unless another system incorporating exterior valves to control water flow to each meter is approved by the Village.

11.2.0 Water Meters; Type; Size Determination.

- 11.2.1. Unless otherwise authorized by the Authority, all meters shall be or the disc type.
- 11.2.2. All meters shall be under the control of the Authority and shall be equipped with an instrument capable of being remotely connected and read away from the meter itself. Such instrument shall be installed on the exterior of the building by the Authority.

11.2.3. All new inside meters will require remote registers, or remote telephonic reporting as the Authority specifies.

11.2.4. Size: When requesting connection to the Water System, the consumer shall furnish information about the amount of contemplated water supply demand and the Village shall determine the size and type of meter to be installed.

11.3.0 Water Meters; Installation; Location; Regulations

11.3.1. Meters shall be installed in readily accessible location and in a manner satisfactory to the Authority.

11.3.2. A meter shall not be installed in a place where it cannot be readily reached by the meter reader.

11.3.3. All meters shall be installed horizontally in dry, clean, sanitary location and in such places that small leaks and the spilling of water will do no damage.

11.3.4. All meters shall be in a suitable location to prevent the pipes and meters from freezing in cold weather. In event of un-metered loss, consumer shall be responsible for water loss charge.

11.3.5. If a suitable and readily accessible location is provided in a dry basement sufficiently well heated to prevent freezing of the meter during the winter, the meter may be placed in the basement, if the Authority so allows. In no event shall location approval relieve consumer of liability for freezing.

11.3.6. Where the premises contains no basements or cellar, the meter shall be installed in a location which shall be approved by the Authority. In no event shall location approval relieve consumer of liability for freezing.

A) Where it is necessary to install the meter in a pit inside a building, such pit shall be built as directed by the Authority. In no event shall location approval relieve consumer of liability for freezing.

B) When a sump pump or drain is provided, meters may be installed below grade line in a brick or first floor meter pit if approved by the Authority. In no event shall location approval relieve consumer of liability for freezing.

C) All meter pits shall be of brick or concrete, built in accordance with specifications furnished by the Authority, with cover openings directly over meters. In no event shall location approval relieve consumer of liability for freezing.

11.4.0 Failure to Register; Water Usage, Amount

11.4.1. Estimated Consumption.

If any meter or metering system fails to register properly or if a meter is inaccessible for reading, the department shall estimate consumption based on former consumption.

11.4.2. Defective Meter

Should a meter become defective or fail to register correctly, the quantity of water used shall be determined by the amount used during the corresponding period of the preceding year, or at the option of the Authority, by averaging the amount for the period immediately preceding and subsequent to the period wherein the meter registered quantities of water usage.

11.5.0 Water Meters; Test, Inspections

The accuracy of the meter on any premises will be tested by the Authority upon written request of the owner and/or user who shall pay in advance a fee to cover the cost of the test. Iron such test, the meter shall be found to register over three percent more water that passes through it, another meter will be substituted therefore, and the fee will be refunded, and the water bill will be adjusted from the preceding and current billing periods.

11.6.0 Meter Maintenance Expense

The expense of maintaining meters will be borne by the Authority.

11.7.0 Meters, Seals; Tempering, etc., Prohibitions

Meters shall be sealed by the Authority and no person except an authorized employee of the Authority shall break such seals. No unauthorized person shall change the location of, alter or interfere in any way with any meter.

11.8.0 Water meter protection

11.8.1 Prevention of damage to meters

- A) All property owners and tenants shall prevent freezing of the water meter serving the structure that they own, occupy or maintain.
- B) All water meters shall be installed only in an area that maintains an ambient temperature above 32° F (0° C).
- C) No owner or occupant of premises shall permit the freezing of water meters.
- D) No owner or occupant of premises shall permit the un-metered loss of water.
- E) Seasonal Termination

- (1) Consumer shall provide the Authority with 24 hour written notice of intent to vacate premises for period in excess of 14 days during November 1 through April 1. Service shall be terminated and renewed to such properly noticed seasonally unoccupied premises at no cost to consumer. Property owner shall

be present when water service is renewed.

- (2) In the event that the consumer fails to notify of his/her vacancy and PAASWA agents have documented reasonable basis to believe that the premises have been unoccupied for 30 days or more, PAASWA may turn off water service to the unoccupied premises and collect turn-off and turn on fees as a water system service. Property owner shall be present when water service is renewed.

11.08.02 Meter by-pass

No person shall by-pass or permit by-passing of water meters.

11.08.03 Presumptions

- A) Loss of water meter “freeze out plug” is presumptive evidence of failure to prevent damage and loss of water.
- B) The legal title holder(s) of any structure in which a meter has been by-passed shall be presumed to have permitted the by-pass.

11.08.04 Enforcement

Any state licensed operator who maintains or operates the water system serving the Village of Port Austin is authorized to enforce the provisions of this ordinance.

11.08.05 Penalty

- A) Any person violating §§ 11.08.01 A) through E) shall be responsible for a Grade D civil infraction for each day of violation. In addition, a water use assessment of \$2,500 shall be imposed on any property on which a damaged meter is located.
- B) Any person violating §11.08.02 shall be responsible for a Grade D civil infraction for each day of violation. In addition, a water use assessment of \$5,000 shall be imposed on any property on which a by-passed meter is located.

12.0.0 CONNECTIONS

12.1.0 Water Connections

Water Connections shall not be made unless the water main extends across the total frontage of a lot to be served or across the total frontage of the lot facing one street in the case of a corner lot.

12.2.0 Tapping Mains; Applications, Requisites

12.2.1. Permit required

All taps shall be made after proper application and permit for service by Authority or their authorized agents.

- 12.2.2. Installation
All taps and connections to the Water Main shall be installed at the main by the Authority or its authorized agents.
- 12.2.3. Location.
Before an owner, user, or contractor install a water service pipe, he shall obtain from the Authority the location for making or connection of the water service. The terminus of the water service pipe shall be located such that the water service pipe is installed to the water main in a straight line perpendicular to the main, and there are no obstructions such as driveways, manholes, trees, fire hydrants, or any other obstacles.
- 12.2.4. Corporation stops and saddles
Single corporation stops, and double strap brass saddles, will be used to supply services or private mains.
- A) Connection of services from three quarter inch (3/4") to two inch (2") to the Village main shall be through a corporation stop with a brass tapping saddle.
- B) On approved three inch (3") services, a four inch (4") connection at the main and a four (4") valve shall be required. Approved services four inches (4") and over shall have the same size connection as the service.
- 12.2.5. Open or closing valve
No unauthorized person shall turn the water off or on at the corporation or service valve. For service and repairs only an authorized representative of the Authority shall turn off or all the water service.
- 12.2.6. Service line size Pipe from the main to the curb stop shall be a minimum grade Type K soft temper copper not less than 3/4" in diameter.

12.3.0 Service Control Valves, and Curb Boxes

- 12.3.1. Location.
The Authority will provide, at the expense of the applicant, and install a shut off valve and curb box one foot outside of the outer sidewalk line, or as near the road right-of-way line as may be convenient.
- 12.3.2. Curb Stop
An approved type round way, inverted core, tee head curb stop of good bronze material shall be installed on all three-fourths inch (3/4"), one inch (1"), one and one-half inch (1 1/2"), and two inch (2") service lines at a point as near the road right-of-way line as practical and permissible.
- 12.3.3. Valves and curb boxes
Valves of non-rising stem gate valves or plug type valves may be used for the

larger size connections. They shall be of approved standard manufacture, and housed in an approved type service or roadway valve boxes.

12.3.4. Curb Boxes

A cast iron extension curb box of an approved pattern shall be centered over the curb stop so that it is readily accessible for turning on and off by Authority representatives. Curb stop boxes shall be Buffalo type, with 2 1/2" shaft, 4 1/2 foot to 6 foot long, in two sections with a lid. The top of the stop box shall be so placed that it is never below the grade nor over three inches above grade and must be set on a brick or concrete foundation to prevent settlement.

12.4.0 Water Service Pipe; Installation, Requirements.

Water Service Connections shall be installed in accordance with State and local building regulations. Water Service connections shall also be installed in compliance with the following specifications;

12.4.1. The connection of the Type K copper service pipe to the corporation stop shall be made by using an approved adapter fitting.

12.4.2. Water connections and water service pipes shall be installed in a separate trench from the sewer service. The water service pipe may not be placed in the same trench with the building drain. The water service pipe and the building sewer must be ten feet (10') apart. If not able to maintain the ten feet (10') clearance the water service shall be a minimum of 18 inches (18") vertically.

12.4.3. All Water Service Pipe on either private or public property shall be laid on a solid bottom not less than four and one-half feet (4 1/2") under ground or below the established grade.

12.4.4. The consumer shall continue the water service pipe connection from the valve at the sidewalk line to the riser pipe and valve inside the building entirely at his expense.

12.4.5. The service line from the main to the premises shall have an inside diameter no smaller in diameter than three-fourths inch (3/4"). All service pipes of two inches (2") or less, in diameter shall be of U.S. Government specification Type K copper tubing; other service pipe materials must be approved by AWWA. Those over two inches (2") in diameters may be of a material approved by the Authority.

12.4.6. The water service pipe shall be laid to provide for earth settlement and for contraction and expansion through arching or bending to form an expansion loop in the form of a half "S" bend, and shall contain at least six inches (6") of excess material to provide for settlement and flexibility.

12.4.7. There shall be no joints between the curb stop and the meter unless commercial

lengths are not available to allow for this provision (say, because of excessive building setbacks). Only three-part flared unions shall be used for connections in copper pipes and all other types of flared unions are prohibited.

- 12.4.8. Plugged tees, or other accessible outlets between the meter and the main are prohibited. No Connections or outlets shall be made on this line other than for sprinkler heads or fire fittings. It shall be unlawful for the customer, or any employee or agent of the customer, to make any connections on or use said sprinkler system for any other purpose or purposes than for fire protection; and any other use thereof shall be and constitute a violation of this ordinance,
- 12.4.9. Any repairs to any water service pipe shall be made at the expense of the owner whose premises are served by the water service pipe.

12.5.0 Completion or Work; Inspection Required

- 12.5.1. Upon completion of any new service pipe installation or repairs, it shall be the duty of the permittee to obtain approval by the Authority before covering same.
- 12.5.2. The service trench shall not be covered, backfilled, or floored until the tap has been completed and the Authority has approved the installation. Clean earth or sand shall be carefully tamped every two feet (2') above the top of the service line. This material shall be carefully and solidly rammed with proper tools. The use of clay for such purpose is prohibited.
- 12.5.3. If any building drainage or plumbing system or part thereof which is installed, altered or repaired, is covered prior to inspection, it shall be uncovered for inspection after notice to the plumber, contractor, owner, or other person to uncover the work has been issued either by the Authority at the applicants expense.
- 12.5.4. A separate gate or ball valve must be placed on the water service pipe before and after the water meter fitting inside the building wall so that the water may be turned off and drained from the pipe in the event of accident or in order to make repairs. Such stop shall be equal in quality to the curb stop.

12.6.0 Repair

- 12.6.1. Water Service Pipe from the curb stop to the meter shall be the responsibility of the owner of the premises.
- 12.6.2. Water Service Pipe from the main to the curb stop is the responsibility of the Authority.
- 12.6.3. Any plumber called upon to shut off water and drain pipes in any premise shall do so inside the building only and must notify the Authority of such shut off.

- 12.6.4. Damage to Pipes and Meter. Persons taking water must keep their service pipe and their meter protected from frost and hot water at their own expense. Where the service pipe is damaged by frost or hot water, the service pipe shall be repaired by a licensed plumber, to be employed and paid by the customer. The water meter shall be repaired by the Authority and paid by the customer.

13.0.0 HYDRANTS AND USE

- 13.1 All water mains on private property, 6" or larger with fire hydrants, shall be installed at the property owner's expense and shall be conveyed to the Authority by the property owner, and at his expense the property owner shall provide a recorded easement sufficient for maintenance and repair of the same.
- 13.2 No person shall open a Village owned fire hydrant without the express permission of the Authority, excepting a municipal fire department, who may at any time open a fire hydrant for the purpose of obtaining water for extinguishment of fires.

14.0.0 CROSS-CONNECTIONS RULES ADOPTED

14.1 Cross Connection; Prohibition

- 14.1.1. Cross connections shall be prohibited. It shall be unlawful for any person to make, permit to be made, or permit to exist, any cross connection on any lot or parcel of land owned or occupied by him.
- 14.1.2. The Village adopts by reference the Water Supply Cross Connection rules of the Michigan Code of Public Health being R325.11401 to R325.11407 of the Michigan Administrative Codes amended and modified.

14.2 Inspections

That it shall be the duty of the Authority to cause inspections to be made of all properties served by the public water supply where a cross connection with the public water supply is deemed probable. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the Authority. The cost of inspection as determined by the Authority shall be borne and paid by the property owner upon which the inspection takes place.

14.3 Entry Rights

That the Authority or his designee shall have the right to enter at any reasonable time any property served by a connection to the public water supply of the Village, for the purposes 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 prima facie evidence of the presence of cross connections.

14.4 Cross Connection Shutoff

Where contamination of any water main is an immediate possibility or where contamination of any main occurs and a cross-connection, is found, the Authority may order the water to be immediately shut off without giving notice to the owner or occupant of land as prescribed herein.

14.5 Correction Required.

Water service to such property shall not be restored until the cross connection(s) have been eliminated in compliance with the provisions of this ordinance.

14.6 Protection and Notification

That the potable water supply made available on the properties served by the Water Supply System shall be protected from possible contamination as specified by this ordinance and by the State and County Plumbing Code as adopted, amended and modified by Huron County and the State of Michigan. 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

14.7 Supplemental

14.7.1 That this ordinance does not supersede any State of Michigan or Huron County Plumbing Code or ordinance, and it shall be supplementary to such other lawful regulations as may from time to time be adopted.

14.7.2 The Authority is authorized and directed to take such other precautionary measures as may be deemed necessary to eliminate any danger of contamination of the water system. Water service to the land in question shall not be restored until either the cross-contamination has been eliminated, or evidence furnished and access permitted to enable the Authority to determine that no cross-contamination prohibited by this Chapter exists.

15.0.0 Severability

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

16.0.0 Conflicts or Repealer

16.1 Conflicts

All ordinances or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

16.2 Repealed

If part or parts of this ordinance are for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of

remaining portion of this ordinance.

17.0.0 Publication

This ordinance shall be published once in full, in a local newspaper of general circulation or a summary thereof, promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Village and filed with the Village Clerk, and such recording authenticated by the signatures of the Village President.

18.0.0 Effective Date

This ordinance shall become effective 20 days after publication.

At a special meeting of the Port Austin Village Council of Trustees held at the Village hall on the 30th day of July, 2004.

Motion by: Steven Radlinski

Seconded by: Chuck Ruth

Yeas: 7

Nays: 0

Absent: 0

Abstain:0

Village President: Marilyn Bruce

Village Clerk: Judy Binkley