

TITLE FOUR – Utilities

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CHAPTER 1040

Water Generally

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CROSS REFERENCES

- Water quality - see Mich. Const. Art. 4, Secs. 22, 52; M.C.L.A. Secs. 67.38, 323.1 et seq.
 Water supply generally - see Mich. Const. Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq.,
 123.111 et seq., 325.201 et seq., 486.51 et seq., 486.101 et seq.
 Water rates and charges - see S.U. & P.S. Ch. 1042
 Water supply cross-connection control - see S.U. & P.S. Ch. 1044
 Disconnection and reconnection of service - see S.U. & P.S. 1046.13(d)(3), 1048.02
 Water in subdivisions - see P. & Z. 1246.41, 1248.11

1040.01 FLUORIDATION PROHIBITED.

The water supplied by the City of Litchfield for human consumption shall not contain any fluoride additive. This section is adopted so that the City of Litchfield may comply with Section 2 of Act 346 of the Public Acts of 1962, being M.C.L.A. 325.192, as amended, which provides for the fluoridation of water supplied by any village, township or city to its consuming public unless an ordinance prohibiting the same is adopted by the local governing body.

(Ord. 73-1. Passed 6-11-73.)

1040.02 RULES, REGULATIONS AND CONDITIONS OF SERVICE.

- (1) A property owner, or his or her agent, hereinafter called the customer, must make written application for water services at the City Offices of the Municipality, and said application, including service received thereunder, is unassignable by the customer.
- (2) All taps and connections to the mains of the Municipality shall be made by and/or under the direction and supervision of waterworks personnel.
- (3) The Municipality shall install and maintain at its expense that portion of the service from the main to the shut-off valve in the City's right-of-way, including the necessary tap and fittings and the shut-off valve itself, while the customer shall install and maintain at his or her expense that portion of any service line from said valve to the premises being served, including a stop and waste cock at the end of the house side of his or her service lines. The minimum earth cover of the customer's service line shall be five feet.
- (4) An application may be canceled and/or water service discontinued by the Municipality for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:
 - A. Misrepresentation in official documents submitted to the City as to the property or fixtures to be supplied or use to be made of water.
 - B. Failure to report to the Municipality additions to the property or fixtures to be supplied or additional use to be made of water.
 - C. Resale or giving away of water.
 - D. Waste or misuse of water due to improper or imperfect service pipes and/or fixtures, or failure to keep the same in a suitable state of repair.
 - E. Tampering with meters, meter seals, service, or valves, or permitting such tampering by others.
 - F. Connection, cross-connection, or permitting the same, of any separate water supply to premises which receive water from the Municipality.
 - G. Nonpayment of bills.
- (5) Any customer desiring to discontinue water service to his or her premises for any reason must give the notice of the discontinuance, in writing, at the business office of the waterworks system; otherwise, the customer shall remain liable for all water used and service rendered by the Municipality until said notice is received by the Municipality.

- (6) Bills and notices relating to the conduct of the business of the Municipality will be mailed to the customer at the address listed on the application, unless a change of address has been filed, in writing, at the business office of the Municipality. The Municipality shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.
- (7) Bills for water service are due and payable at the business office of the Municipality, or to any designated agent, on their date of issue. Bills for the rates and charges as herein established by the City of Litchfield shall be sent monthly. All bills shall be due and payable upon receipt, but in no case later than the twentieth day of the month received, and shall be paid at the office of the Treasurer of the City of Litchfield. If the bill or any portion thereof shall remain unpaid after sixty days following the due date, the water, sewer, and garbage services 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 all charges owed to the City for water, sewer, and garbage collection services in addition to a reconnection fee in the amount established from time to time by resolution of the City Council.

Meters shall be read monthly by the Municipality.

- (8) Where the water supply to a customer has been discontinued for non-payment for delinquent bills, a charge of \$25.00 or such other amount as may be established from time to time by resolution of the City Council shall be assessed for reconnection for water service, provided, however, that the reconnection shall not be made until all delinquent bills and charges owed to the City of Litchfield by the customer including the reconnection fee have been paid.
- (9) The Municipality reserves the right to request that a nominal sum be placed on deposit with the Municipality for the purpose of establishing or maintaining any customer's credit.
- (10) A. All meters shall be installed, maintained and renewed by and at the expense of the Municipality, and the Municipality reserves the right to determine the size and type of meter used.
 - B. Residential customers shall be allowed to have an extra water metered installed for the purpose of determining the amount of water that is used and does not go through the City sewer system. These meters must be purchased from the City, installed at the homeowner's expenses and inspected by a member of the Department of Public Works. An outside meter will be installed by the Department of Public Works.
 1. The minimum installation fee shall be that amount established from time to time by resolution of the City Council.
 2. In addition, there shall be a one time administration charge in the amount established from time to time by resolution of the City Council to cover the cost for extra meter reading and billing.
 - C. This division applies only to residential users and excludes commercial and industrial users.

- (11) Upon the written request of any customer, the meter serving said customer shall be tested by the Municipality. Such test will be made without charge to the customer if the meter has not been tested within twelve months preceding the requested test; otherwise, a charge shall be assessed in the amount established from time to time by resolution of the City Council if the test indicates meter accuracy within the limits of two percent.
- (12) Where a meter has ceased to register, or a meter reading could not be obtained, the quantity of water consumed for billing purposes will be based upon an average of the prior six months' consumption, and the conditions of water services prevailing during the period in which the meter failed to register.
- (13) Water for building or construction purposes will be furnished by meter measurement only after a suitable deposit has been made, the amount of which shall be established from time to time by resolution of the City Council which shall take into account the size of the construction work contemplated. All water for building or construction purposes, as set forth in the permit, must pass through one and the same meter.

Water so supplied shall be discharged through a hose or pipe directly upon the material to be wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench. All use of water by other than the applicant or the use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the applicant, or water service may be discontinued without notice.
- (14) The Municipality shall make all reasonable efforts to eliminate interruption of service, and when such interruptions occur, will endeavor to re-establish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the distribution system or the station equipment, all customers affected by such interruption will be notified in advance whenever it is possible to do so.
- (15) The Municipality shall in no event be held responsible for claims made against it by reason of the breaking of any mains or service pipe, or by reason of any other interruptions of the supply of water caused by the breaking of machinery or storage for necessary repairs. No person shall be entitled to damages nor have any portion of a payment refunded for any interruption of service which, in the opinion of the Municipality, may be deemed necessary.
- (16) Customers having boilers and/or pressure vessels receiving a supply of water from the Municipality must have a check valve on the water supply line and a vacuum valve on the steamline to prevent collapse in case the water supply from the Municipality is discontinued or interrupted for any reason, with or without notice.
- (17) The premises receiving a supply of water and all service lines, meters and fixtures, including any and all fixtures within said premises, shall at all reasonable hours be subject to inspection by duly authorized employees of the Municipality.
- (18) Special terms and conditions may be made where water is used by the Municipality or community for public purposes, such as fire extinguishment, public parks, etc.
- (19) Piping on the premises of a customer must be so installed that connections are conveniently located with respect to the Municipal lines and mains. The customer shall provide a place of metering, which is unobstructed and accessible at all times. The customer shall furnish and maintain a cutoff valve on his or her side of the meter and the Municipality will provide a like valve on its side of the meter.

- (20) The customer's service line shall be installed and maintained by the customer at his or her own expense in a safe and efficient manner and in accordance with the Municipal rules and regulations and with the regulations of the State Board of Health.
- (21) If any loss or damage to property of the Municipality or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the customer, a member of his or her household, or his or her agent or employee, the cost of the necessary repairs or replacements shall be paid by the customer to the Municipality and any liability otherwise resulting shall be that of the customer.
- (22) Water furnished by the Municipality may be used for domestic consumption by the customer, members of his or her household, and his or her employees only. The customer shall not sell or give water to any other person.
- (23) Each customer shall grant or convey, or shall cause to be granted or conveyed, to the Municipality, a permanent easement and right-of-way across any property owner or controlled by the customer wherever said easement or right-of-way is necessary for the Municipality's water facilities and lines, so as to enable the Municipality to furnish service to the customer.
- (24) The Municipality will construct extensions to its water lines to points within its service area, but the Municipality shall not be required to make such installations unless the customer pays to the Municipality the entire cost of the installation.

All line extensions shall be evidenced by a contract signed by the Municipality and the person advancing funds for said extension, but each contract shall be null and void unless approved by the Farmers Home Administration and other governing bodies.

In refunding of the advance that is to be made, the following method shall apply: twenty percent of the total gross revenue of water sales per year for each service connected to the new extension described in the agreement, for a period not to exceed five years, provided that the aggregate payments do not exceed the total amount deposited.

No refund shall be made from any revenue received from any lines leading up to or beyond the particular line extension covered by the contract.

All decisions in connection with the manner of installation of any extension, and the maintenance thereof, shall remain in the exclusive control of the Municipality and such extension shall be the property of the Municipality and no other person shall have any right, title or interest therein.

- (25) The Municipality may refuse service to persons, not presently a customer, when, in the opinion of the Municipality, the capacity of the facilities will not permit such service.

- (26) These rules may be changed or amended.
- (27) Complaints may be made to the operator of the system and may be appealed to the City Council within ten days.
(Ord. WP-4-72. Passed 9-12-72; Res. 2001-20. Passed 12-10-01; Ord. 2003-02. Passed 4-14-03; Ord. 2004-04. Passed 9-14-04; Ord. 2005-06. Passed 8-9-05; Ord. 2011-08. Passed 7-12-11.)

1040.03 WELLHEAD PROTECTION.

(a) Establishment of Program. The City of Litchfield is committed to developing and implementing a Wellhead Protection Program consistent with the State of Michigan Wellhead Protection Program.

(b) Composition of Committee; Appointments; Terms of Office. The Litchfield Wellhead Protection Committee heretofore established is hereby continued. The Committee shall consist of the Litchfield City Manager, the Superintendent of Public Works, the Litchfield Fire Chief, an official from Litchfield Township, one individual appointed from each of the following sectors: business, industry, agriculture, education, planning, community organizations and the general public. The appointed members of the Committee shall be appointed by the Litchfield City Mayor, subject to the approval of the Council, and shall serve three-year terms.

(c) City Manager as Chairperson; Duties. The Litchfield City Manager shall act as the Committee Chairperson and shall lead the Committee in the development of a local Wellhead Protection Program and shall be responsible for the administration on a local level of any wellhead protection grants which are received.

(d) Implementation of Program; Incorporation Into Master Land Use Plan.

- (1) The Litchfield Wellhead Protection Committee shall develop a Wellhead Protection Program consistent with the State of Michigan Wellhead Protection Program for the protection of the public drinking water supply wells. Within three years from the adoption of this section, the Committee shall submit a proposed Wellhead Protection Program to the Litchfield City Council for its approval.
- (2) Upon approval by the City, the Wellhead Protection Program, as developed, shall be implemented.
- (3) Upon approval of the developed Wellhead Protection Program by the City Council, the same shall be transmitted to the Litchfield City Planning Commission, which is directed to incorporate the approved Wellhead Protection Program into the City of Litchfield's Master Land Use Plan.
(Ord. 98-5. Passed 1-11-99.)

1040.04 PUBLIC OUTREACH AND EDUCATION PLANNING PROGRAM.

The Litchfield Wellhead Protection Committee shall develop and implement a Public Outreach and Education Planning Program to give citizens an opportunity to participate in the development of the Wellhead Protection Program and to educate the community of the need for and the benefits of the Wellhead Protection Program, as well as the specific provisions and requirements of the Program ultimately implemented. The Public Outreach and Education Planning Program, as established, shall have a minimum duration of three years.

(Ord. 98-5. Passed 1-11-99.)

1040.99 PENALTY.

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