

ORDINANCE NO. 12-100

AN ORDINANCE TO ESTABLISH A WATER AND SEWER UTILITY IN THE CITY OF ISHPEMING

THE CITY OF ISHPEMING ORDAINS:

Section 12-101. There is hereby established a Water and Sewer Utility in the City of Ishpeming. This includes the supplying of water; the maintenance of water pumping station; the construction and maintenance of water mains, control valves, and fire hydrants; the maintenance of the water storage tank; the construction and maintenance of sanitary sewer mains and manholes; and providing sanitary sewage lift stations.

Section 12-102. The Annual Fee Schedule adopted by the Ishpeming City Council shall apply to those benefited by the services provided.

1. (a) For a property connected to the City water utility, which has a meter for registering water consumption, see Annual Fee Schedule adopted by the Ishpeming City Council for rates.  
  
(b) For purposes of subsection (a) above, a property is considered to be connected to the City water utility" if (1) the property is actually using City supplied water, (2) the property is physically connected to the City water distribution system and could receive City supplied water, whether or not the property is actually using any City supplied water, or (3) water service to the property has been discontinued due to non-payment of water or sewer charges or by request.
2. For a user of both water and/or sewer services who is authorized to be without a water meter pursuant to Section 12-103.8 of this Ordinance, a monthly charge shall be established for the use of such services by the Ishpeming City Council based upon the recommendation of the Water and Sewer Utility. The Water and Sewer Utility, in making its recommendation to the City Council, shall consider, at a minimum, the number of persons in the household or structure receiving the services, whether the services are being used for residential or commercial purposes, the number and type of connections within the household or structure, and water consumption of similarly situated and similarly constituted households or structures.
3. (a) See Annual Fee Schedule for the permit fee to install a tap from a City water main.  
  
(b) If the City performs the tap, the tapping fee to connect a 5/8" line or a 1" line or a line greater than 1" to a City water main shall be billed to the permit holder according to the Annual Fee Schedule. All excavation, construction, and restoration work, including road and sidewalk restoration shall be the responsibility of the property owner. All work shall be performed according to City standards.  
  
(c) See Annual Fee Schedule for the tapping fee to connect a 5/8" line or a 1" or larger line to a City water main, if a private contractor does the work.  
  
(d) The charges and fees imposed under this Subsection 3 only apply to water lines installed from the main to the curb stop valve.

4. The consumers of water and/or the users of the sewage disposal facilities shall pay their bills to the City Treasurer within twenty-five (25) days after the billing date shown on their bills. Any bill not paid within twenty-five (25) days after the billing date shall be considered a delinquent bill, and a penalty as stated in the Annual Fee Schedule shall be applied and collected on each delinquent bill per month.
5. Water service may be discontinued whenever a water or sewer account has not been paid in full within twenty-five (25) days after the billing date provided. However, that service shall be discontinued if an account with respect to which an affidavit has been filed under MCL 123.165(5) and MCL 141.121(3) has a delinquency greater than the amount of the tenant's security deposit or if the tenant's account has been delinquent for a period of forty-five (45) days or more. Service shall not be restored until such time as all amounts stated on the bill have been paid in full, in addition to payment of the appropriate charges for issuing the Public Notice of Disconnect, and for closing and opening the street shut-off valve or stop-cock which are stated in the Annual Fee Schedule, together with the required guarantee deposit.

(a) See Annual Fee Schedule for the charge for opening or closing a street stop cock See Annual Fee Schedule for the charge for removing a water meter serviced by a 5/8" line or less; and the charge for removing a water meter serviced by a line greater than 5/8"; provided, however that the provisions of this sentence shall only apply when the water meter is removed for the convenience of the consumer and not because of any leakage, breakage, or defect in the meter; provided that such fee shall include reinstallation of the meter when removed for the convenience of the customer. See Annual Fee Schedule for the overtime charge for the above services.

(b) In the event that any user or consumer of water experiences a freeze-up of underground water lines or pipes during the winter months, the City Water Utility may provide thawing service from the water main to curb stop valve at no charge to the customer. See Annual Fee Schedule to thaw a water service from the curb stop valve to the water meter.

(c) No consumer, user or service receiving water from the City Water Utility shall be authorized to "let-run" the water in any property during the winter months unless written permission has been issued by the Operator in Charge.

Before the Operator in Charge shall issue such permission to let-run, the user or consumer shall make a request therefor and shall establish to the satisfaction of the Operator in Charge that the water lines in question cannot be prevented from freeze-up by wrapping in insulation, attachment of heat cables, or the application of any other reasonable means which the Operator in Charge may direct in an effort to alleviate a freeze-up problem. The Operator in Charge is specifically authorized to direct that the user or consumer requesting a "let-run" shall insulate the water lines or attach heat cables thereto, or take such other reasonable precautions to prevent freeze-ups, at the expense of the person requesting the "let-run".

In the event that any property, consumer, user or service shall "let-run" water without written permission of the Operator in Charge, such service shall be

billed for all water and sewer service actually consumed at the regular rate for such service.

6. New users of the City of Ishpeming Water and Sewer Utility shall deposit with the City a "guarantee deposit", which shall be continuously held by the City as a guarantee of payment for water used, in an amount determined by the Annual Fee Schedule.

If the user is the owner of the property, this "guarantee deposit" may be credited to the users account two years from the date the deposit is made, providing the user shall have paid all water and sewer bills timely and providing the user has otherwise established credit with the City of Ishpeming to the satisfaction of the City. Established credit for purposes of this Ordinance section, means that the user paid the water and sewer utility bill timely for the prior twelve months and having not received two or more Public Notices of Disconnect in the prior 12 months. The City may apply all or any portion of the guarantee deposit to delinquent water, sewer, or landfill charges.

If the user is a tenant at the property, this "guarantee deposit" will be held for the period of the tenancy and will be applied to the final water bill in part or full payment.

A guarantee deposit will be required from existing users who have had their water shut off for non-payment. This deposit would be required within one month of the issue of the Notice of Disconnect.

7. No person, firm, or corporation shall be permitted or allowed to install a 5/8" water meter in the City of Ishpeming; all such work shall be done only by City personnel. There shall be no charge for the installation of any water meter serviced by a 5/8" line or less except in cases described in Section 12-103.4 and 12-103.5. For each water meter installed on a line 1" or greater, the owner of the property shall hire a licensed plumber for installation of the meter subject to City review and approval.

Section 12-103. Users of the water and/or sewage disposal system in the City of Ishpeming shall be subject to the following rules and regulations:

1. No person shall tap any water main without first having obtained a permit from the Utility Billing Clerk nor shall any person not duly authorized bore or tap any pipe, open any hydrant or stop-cock or interfere with any part of the water system of the City.
2. All applications for a water tapping permit must be made to the Utility Billing Clerk by the owner of the property or some person duly authorized by the owner, and such application must fully describe the locality where it is desired to tap the main and the various users to which the water is to be supplied.
3. In case of misrepresentation in such application for a permit to tap any main, use of water without permit, willful or needless waste of water by allowing a constant flow from faucet or otherwise, or the failure to comply with any other term or provision of this ordinance, the service may be shut off.

4. Where the consumer of water is on metered service, the City will supply the meter and outside reader dial owned by the City. The consumer must provide a suitable place for the meter and outside reader dial satisfactory to the City. The consumer shall see that the meter and outside reader dial are protected from damage, accident or frost and shall permit no person other than an authorized employee of the City Water and Sewer Utility to remove, inspect or tamper with the same. Cost of repairs shall be according to the Annual Fee Schedule.
5. The consumer, in case of leakage, breakage, or defect of the meter, shall immediately notify the Water and Sewer Utility. The Water and Sewer Utility will make all repairs to the water meter, and the actual cost of such repairs or replacement will be charged to the property served if the damage is caused by hot water, freezing, or any other neglect on the part of the consumer to safeguard the meter in a reasonable way.
6. The various officers of the Water and Sewer Utility or any person by them delegated shall have free access to all parts of any building where the water meter and the outside reader dial are used to examine pipes and fixtures and to ascertain whether there is an unnecessary waste of water.
7. The Water and Sewer Utility shall have full authority to further restrict and to order the discontinuance of the use of water as above provided, and to make such further regulations, when it finds in its judgment that it is necessary to do so for the protection of the water supply of the City.
8. Any water service in the City shall have a water meter installed.

In the event that the owner, tenant, lessee or agent in charge of any property having water service does not have a water meter installed the City Attorney shall be authorized to commence an appropriate action in the Marquette County Circuit Court to secure a mandatory injunction requiring a meter installation; alternatively, that water to such property may be shut off until a meter is installed.

9. (a) The City shall be responsible for repairing or correcting all leaks in the water distribution system which occur on all mains and on all lateral lines up to and including each curb stop. The owner of each property served by the City Water Utility shall be responsible for repairing or correcting all leaks in the water distribution system which occur between the curb stop and the water meter which records water consumption on the property; provided, however, that in the event that it is determined that any leak or break in a water line on private property originated on or was caused by conditions existing on public property, and through no fault of the owner of the structure being served, the City Council may waive the payment requirement of this Subsection (a) in whole or in part, and in such cases the City Council shall indicate by resolution the grounds for such waiver; provided, however, that under no circumstances shall the City Council grant such waiver where the failure of any water line on private property is due primarily to old age, to ordinary wear and tear, to improper installation or to the use of improper materials or backfill.

(b) Anything to the contrary notwithstanding in Section 12-103.9(a) above, under no circumstances shall the City be responsible for the cost of repairs or

maintenance to any water line if it is determined that the condition requiring repair or maintenance was caused by the negligence or wrongful act of another, in which event the person responsible therefor shall be fully liable to the City for the cost of repairs.

(c) If the City learns or has reason to believe that there is a break or a leak in a water line between the curb stop and the customer's water meter or a break or a leak in any water line at any point downstream of the water meter, including a break or a leak anywhere in the house or property being served by the City Water Utility, the City shall send written notice thereof, by certified mail, return receipt requested, to the person in whose name the water meter is registered. The written notice shall identify the problem or suspected problem, and shall require that the leak or break in the water line be repaired within five (5) business days after receipt of the written notice. If the customer or other person responsible for payment of the water bills at the property in question fails or refuses to have the repairs completed within the time specified in the written notice, then a service fee (see Annual Fee Schedule) shall be imposed on the account for each and every day after the fifth (5th) day that the repairs are not made, for the water loss to the system. If the repairs are not completed within the time specified in the written notice, the City may also, at its discretion, discontinue water service to the property until such time the repairs are made. In the event of an emergency, or if the City determines that there is a significant amount of water loss to the system due to the leak, the City shall have the authority to immediately discontinue water service to the property irrespective of whether or not written notice has been given as provided herein.

(d) All water service lines existing on the date of enactment of this Ordinance Amendment deemed substandard by the City designated representative shall be replaced by the owner of the property within one (1) year of the date of discovery of the substandard condition. Written notice shall be sent by the City by certified mail, return receipt requested, to both the property owner and the person in whose name the water meter is registered. If the customer or other person responsible for payment of the water bills at the property in question fails or refuses to have the repairs completed within the time specified in the written notice, then a service fee (see Annual Fee Schedule) shall be imposed on the account. If the repairs are not completed within the time specified in the written notice, the City may also, at its discretion, discontinue water service to the property until such time as the repairs are made.

(e) The City will not reconnect to any water service lines found to contain lead as this is deemed to be an imminent health and safety concern. In the event that lead water service lines are discovered by the City, the property owner shall be notified and informed of the mandatory requirement to replace such service lines with materials acceptable to the City. Lead service lines must be replaced by the property owner as soon as possible for water service to be restored. Written notice shall be sent by the City by certified mail, return receipt requested, to both the property owner and the person in whose name the water meter is registered.

Section 12-104. Violation of any of the provisions of this ordinance shall constitute a municipal civil infraction. A person, firm or corporation determined to be responsible or responsible "with explanation" for a municipal civil infraction

shall be subject to a civil fine, see Annual Fee Schedule. A municipal civil infraction action brought for any violation of this ordinance shall follow the procedures set forth in Act No. 12, P.A. 1994, as amended, and a Defendant charged with a municipal civil infraction violation shall have all of the rights, duties, responsibilities and obligations set forth therein. Section 12-105. This Ordinance, as amended, shall take effect and be in force from and after the date of most recent amendment.

Adopted: June 21, 1978	Amended: February 5, 1997	Amended: January 7, 2015
Amended: September 6, 1978	Amended: December 17, 1997	Amended: November 9, 2016
Amended: August 8, 1979	Amended: December 9, 1998	Amended: July 11, 2018
Amended: January 7, 1981	Amended: November 8, 2000	Amended: May 4, 2022
Amended: May 6, 1981	Amended: October 3, 2001	
Amended August 5, 1981	Amended: November 6, 2002	
Amended: June 9, 1982	Amended: November 9, 2005	
Amended: February 8, 1984	Amended: November 8, 2006	
Amended: April 18, 1984	Amended: October 3, 2007	
Amended: September 19, 1984	Amended; May 6, 2009	
Amended: December 26, 1984	Amended: October 7, 2009	
Amended: January 29, 1986	Amended: December 15, 2010	
Amended: July 9, 1986	Amended: January 4, 2012	
Amended: June 14, 1989	Amended; March 7, 2012	
Amended: December 27, 1990	Amended: May 5, 2012	
Amended: June 9, 1993	Amended: June 6, 2012	
Amended: June 8, 1994	Amended: December 18, 2012	
Amended: June 7, 1995	Amended: November 6, 2013	