

# Chapter 90 – Utilities

## ARTICLE I IN GENERAL

§90-1 - §90-30 Reserved

## ARTICLE II WATER AND SEWER SERVICE

### DIVISION 1 GENERALLY

#### §90-31 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Curb box* means the city-installed water shutoff in a service line nearest the tap into a city water line.

*Customer* means any person making use of the facilities provided under this article.

*Department* means the Department of Public Services.

*Director* means the Director of the Department of Public Services.

*Engineer* means the city engineer or any independent or other engineer employed by the city for a specific purpose.

*Facilities* means the water and sanitary sewer lines of the city and all appurtenances thereof or incidental thereto.

*Person* means an individual, group, partnership, firm, corporation, association, or congregation.

*Sanitary sewer* and *sanitary sewer line* mean any sewer provided by the city for the purpose of receiving and flowing sewage.

*Sewage* means any waste in liquid form and shall include solids which have been mixed with liquids to result in a free-flowing consistency but shall not include surface drainage.

#### §90-32 Penalty

Unless otherwise specified, any person violating any of the provisions of this article shall, upon conviction thereof, be guilty of a civil infraction as outlined in Section 1-13 of Chapter 1 of the Belleville Code of Ordinances. Every day that a violation of this article is continued or permitted to exist without compliance shall constitute a separate offense, punishable upon conviction in the same manner as prescribed in this section for the original offense.

### §90-33 Scope of Article

No water or sewer facilities of the city shall be sold, leased, or used in any manner except under the provisions of this article.

(Ord. No. 56-77, § 4.1, eff. 6-1-1956)

### §90-34 Provisions of Article Constitute Contract Between City and Customer

1. *Contract Established.* The provisions of this article shall constitute a contract between the city and any person making use of the city water and sewer facilities, and the city reserves the right to amend this article at any time it deems necessary, or when so required by any law, and any such amendment shall automatically amend or create a new contract between the city and any customer, and all amending terms shall become binding upon their effective date.
2. *Breach of Contract.* The violation of any of the provisions of this article shall constitute breach of contract on the part of the customer, and the use of the facilities provided for in this article may be terminated by the department.

### §90-35 Duties of City Engineer

It shall be the duty of the city engineer to provide drawings, plans and specifications for the laying and connection of all water and sewer lines for the city, and the department shall be required to follow all instructions as may be so provided by the engineer.

(Ord. No. 56-77, § 4.7, eff. 6-1-1956)

### §90-36 Liability of City

The city, in supplying the facilities provided for under this article, shall use reasonable care but shall not be liable for any damages caused by shutoff, break, stoppage, variation in pressure, explosion or failure of any kind whatsoever in the operation of such facilities.

(Ord. No. 56-77, § 4.10, eff. 6-1-1956)

### §90-37 Sale of Assets of System

The city shall not sell, exchange, lease or in any way alienate or dispose of the property, easements, income, privilege, or asset belonging to or appertaining to the department which it may acquire, unless and except the proposition for such purpose shall first have been submitted, at an election held for the purpose in the manner provided in the Charter, to the electors of the city who are qualified to vote on questions involving the direct expenditure of money or the issuance of general obligation bonds of the city, and approved by them by a three-fifths majority vote; provided, however, that the provisions of this section shall not apply to the sale or exchange of any articles of equipment or machinery which are worn out or useless, or which could, with advantage to the service, be replaced by new and improved machinery or equipment.

(Ord. No. 56-77, § 4.11, eff. 6-1-1956)

#### §90-38 Authority to Contract for Sale of Water Outside City Limits

The council may contract for selling and delivering water without the corporate city limits.

(Ord. No. 56-77, § 4.12, eff. 6-1-1956)

#### §90-39 Installation and Maintenance of Fire Hydrants

The department shall compile and maintain a complete record of all fire hydrants and shall install such additional hydrants or remove or change the location of such hydrants as state or county laws apply, or the director may authorize, and shall be charged with the replacement, repair, and operation of such hydrants.

(Ord. No. 56-77, § 4.18, eff. 6-1-1956)

#### §90-40 Authority to Restrict Use of Water During Water Shortage

If an emergency is created due to the shortage of water, the city reserves the right to restrict the use of water from its mains to whatever measure as may be deemed necessary in the opinion of the director or their designee, and subsequently approved by City Council. In the event of such restriction, notice shall be provided in the publication or record where time permits, and any other medium in which the notice can be rapidly distributed. The notification shall announce the start and end dates and times of the restrictions, and the reason for the restriction.

#### §90-41 Injuring or Interfering with Water or Sewer Facilities

1. *Prohibitions.* It shall be unlawful for any person to molest, injure, deface, or obstruct the use of any water or sewer facilities of the city.
2. *Penalty.* Any person who, upon conviction of any violation of this section, shall be guilty of a misdemeanor, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

#### §90-42 Violation of Emergency Orders

1. *Prohibitions.* It shall be unlawful for any person to violate any of the provisions of any emergency order issued by the director that has been approved by the City Council under the provisions of this article.
2. *Penalty.* Any person who, upon conviction of any violation of this section, shall be guilty of a misdemeanor, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

#### §90-43 Privies and Chemical Toilets Prohibited

No person shall be allowed to provide, maintain, or use an outside privy or chemical toilet, and any such privy or toilets shall be converted to another use or disposed of, and their vaults adequately filled within 30 days after June 1, 1956.

(Ord. No. 56-77, § 12.7, eff. 6-1-1956)

#### §90-44 - §90-60 Reserved

### Division 2 WATER AND SEWER DEPARTMENT

#### §90-61 Established

A water and sewer department of the city is hereby established and shall be referred to and known as such.

(Ord. No. 56-77, § 3.1, eff. 6-1-1956)

#### §90-62 Control of Water and Sewer Facilities

The department shall have complete control over all water and sanitary sewer facilities of the city and shall be charged with the installation, operation, use, maintenance, and protection of such facilities.

(Ord. No. 56-77, § 3.2, eff. 6-1-1956)

#### §90-63 Fiscal Year

The department shall be operated on a fiscal year commencing on July 1 of each year.

(Ord. No. 56-77, § 3.3, eff. 6-1-1956)

#### §90-64 Appointment of Director

The city manager shall appoint a director of the department by and with the consent of the council, who shall hold office at the pleasure of the city manager with the consent of the council.

#### §90-65 Duties of Director

The director shall be charged with the complete operation of the department and the enforcement of all the provisions of this article.

#### §90-66 – §90-80 Reserved

## DIVISION 3                      ENFORCEMENT

### §90-81                      Generally

This article shall be enforced by the director of the water and sewer department, or their designee, and no use of any of the facilities provided for under this article shall be permitted except as provided in this article.

### §90-82                      Inspections

The officers of the city installations and any and every person delegated or authorized by the Department, shall have free entry and access to every part of any building, structure, or premises, whenever entry or access is deemed necessary or advisable.

Sec. 90-83. Termination of service for violations.

1. *Termination of Service for Refusal.* In case any person in possession, charge or control of any building, structure or premises, into which any officer or person shall desire entry or access, shall refuse to permit the entry or access, or shall do or cause to be done any act or thing for the purpose of preventing the entry or access, the Department may turn off the service from such building, structure or premises, until notice shall have been given that entry or access will be permitted or provided, and until the entry or access has been accomplished.
2. *Authorization to Inspect.* The Department shall have the power and authority to inspect and make an examination of all pipes and fixtures connected with the city installations and they shall have the power and authority to require any pipes or fixtures to be repaired, removed, replaced, or changed, where the same are defective or not in compliance with the provisions of this chapter or the rules and regulations of the Department.
3. *Penalty.* Any person who, upon conviction of any violation of this section, shall be guilty of a misdemeanor, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

### §90-84 – §90-100                      Reserved

## DIVISION 4                      CONNECTIONS

### §90-101                      Connection Required

Every person owning or using property within the city upon which sewage is created is hereby required to provide an adequate connection with a sanitary sewer line of the city.

### §90-102                      Application for Service; Authorization; Permission

1. *Permit Required.* No person shall make or change any installations which may affect the city water and sewer facilities, or tap into or use any such facilities, without first obtaining a permit from the department.
  - a. Permits may be obtained by making a written application to the department on forms provided by the city.
  - b. The application shall set forth a true legal description of the premises it is proposed to serve, the name and address of the person, firm, or corporation about to perform the work, and the size of the service desired. It shall also set forth fully the kind of building for which the service is intended, and the applicant shall be required to answer truthfully all questions regarding the application which may be put to them by any officer or employee of the system.
  - c. Permits will be issued only upon payment of all fees required and full compliance with all provisions of this article.
2. *Service Beneath Roadways.* No water main shall be tapped, or service laid within the street boundaries by anyone other than the duly authorized employees of the Department or their agents and only under the authority of the Department.
3. *Authorization to Turn on Required.* The person, corporate entity, or organization to whom permission is granted to connect to any service or supply pipe under the provisions of this section, shall see to it that the service or supply pipe shall be turned off at the curb stop and the service shall not be turned on, until permission is granted by the Department.
4. *Penalty.* Any person who, upon conviction of any violation of this section, shall be guilty of a civil infraction, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

#### §90-103      Maintenance of water connections

1. *Owner Responsibility.* Every person having service from the city water supply system shall, at their own cost and expense, keep in repair all service pipes, including private pipes leading from the shut-off stop to the building or premises, and prevent all waste of water or leakage of sewage from such pipes. If any such pipes be permitted to remain out of repair, the Department may terminate services from the premises, and whenever services are terminated, it shall not be permitted to be again turned on until the pipe or pipes have been placed in proper repair.
2. *Penalty.* Any person keeping such pipes in disrepair, causing the Department to terminate services, shall be, upon conviction, guilty of a civil infraction, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

#### §90-104      Maintenance of Sewer Connections

1. *Owner Responsibility.* Every person having service from the city sewer system shall, at their own cost and expense, keep in repair all service pipes, including private pipes leading from the shut-off stop to the building or premises, and prevent all waste of water or leakage of sewage from such pipes. If any such pipes be permitted to remain out of repair, the Department may terminate services from the premises, and whenever services are terminated, it shall not be permitted to be again turned on until the pipe or pipes have been placed in proper repair.
2. *Penalty.* Any person keeping such pipes in disrepair, causing the Department to terminate services, shall be, upon conviction, guilty of a civil infraction, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

#### §90-105      Charge for Breaking and Replacing of Pavement by City.

1. *Responsibility.* In cases where the making of taps involves breaking the pavement, the contractor shall be responsible for returning all rights-of-way and public property to Department standards. If the contractor is unable or unwilling, the Department will have the work done and the total charges will be borne by the contractor or property owner.
2. *Bond or Deposit.* Before a permit is issued to a contractor under this section, the Director of the Department, at their discretion, may require a cash deposit or performance bond in an amount deemed necessary by the department to guarantee performance under the conditions of this article and the permit issued under this section, and to ensure payment of all fees and charges. The department may forfeit all or any portion of the bond which shall be necessary to cover any expense, including inspection costs or damage, incurred by the department through the granting of the permit. The bond or any balance thereof will be returned to the contractor upon completion of the work to the satisfaction of the department. The performance bond provided for in this section, when it cannot be returned, shall be deposited in the general fund, and become a part thereof unless claimed within one year of the date of completion of the construction authorized by the permit.
3. *Penalty.* Any person who fails to comply with the provisions of this section shall be, upon conviction, guilty of a civil infraction, in addition to the cost of restoration. Civil Infraction penalties shall be assessed as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

#### §90-106      Service Pipe Specifications

1. *Qualified Contractors.* The owner of any property may arrange to have any tap or any enlargement or reduction in size of an existing tap for sewer and water made by a qualified contractor. The contractor employed by the owner for such work must be a licensed underground sewer and water contractor, and at the time the contractor applies for a permit he shall submit to the department evidence of such license. In addition, the contractor shall submit evidence of workers' compensation insurance covering his employees and public liability and property damage insurance in an amount not less than \$100,000.00 for any person, \$300,000.00 for any one occurrence and \$50,000.00 property damage, with such insurance being endorsed so that the city is protected from all claims. (Ord. No. 74-135, § 1(5.7), eff. unknown)

2. *Specifications.* All service pipes laid in the city shall be of not less than one-inch internal diameter and all pipes of one-inch and two-inch diameter shall be of copper tubing or plastic material appropriately grounded and of quality to conform to the standards recommended by the American Water Works Association for water service. All service pipes over two-inch internal diameter shall be of ductile iron and shall conform to the specifications of the American Water Works Association.
3. *Penalty.* A person found in violation of this section shall be, upon conviction, guilty of a civil infraction, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

§90-107        REPEALED

§90-108        REPEALED

§90-109        REPEALED

§90-110        Prohibited Connections; Nonapproved Water Supply

1. *Prohibitions.* In no case shall there be any connection between pipes receiving their supply or discharging from the city mains and pipes and pumps or tanks receiving their supply or discharging from any other source. The use of such connection is prohibited regardless of whether the connection is provided with one or more cross-connection control devices.
2. *Penalty.* A person found in violation of this section shall be, upon conviction, guilty of a misdemeanor, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

§90-111        Certified Water Operator to Make Connections

1. *Licensing Required.* No person shall make any attachment or connection with the pipes of the city water supply system nor make any repairs, additions to, or alterations of any fixtures connected with the service pipes, unless licensed by the State of Michigan Department of Natural Resources and Environment.
2. *Penalty.* A person found in violation of this section shall be, upon conviction, guilty of a misdemeanor, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.



## §90-112 Inspection of Work

1. All work performed under this subchapter, by certified water operators, shall be subject to inspection by the Director of Public Services or his or her representatives who have authority hereby granted and to order any part of the work to be discontinued or changed in order that the same shall comply with the regulations and requirements of the Department.
2. *Penalty.* A person found in violation of this section shall be, upon conviction, guilty of a Civil Infraction, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

## §90-113 Cost of Service Connections

The cost of installing service pipes and private supply pipes, including shut-offs and shut-off boxes, shall be borne by the person making the application, and shall consist of a charge for labor and material.

## §90-114 - §90-130 Reserved

## Division 5 METERS

## §90-131 Meters to Be Provided by The City, Ownership of Meters

1. Meters shall be furnished and installed by the city and all costs, charges and fees for the meter, attachments and installation shall be established by resolution of the City Council and shall be borne by the property owner and shall be paid at the time the meter is installed or the property owner will subject to a lien on the property. Notwithstanding the foregoing, the control and ownership of all meters shall always remain with the city.
2. *One-Inch Meters.* All meters, including one-inch meters, shall be furnished, and installed by the city.
  - a. The cost, charges and fees of the meter, attachments and installation shall be established by resolution of the City Council.
  - b. The cost, charges and fees of the meter, attachments and installation shall be borne by the property owner and shall be paid at the time the meter is installed or the property owner will be subject to a lien on the property.
3. *Penalty,* see §

#### §90-132 Location

All water meters shall be set in an accessible location approved by and in a manner satisfactory to the director.

(Ord. No. 56-77, § 6.2, eff. 6-1-1956)

#### §90-133 Outside Meters

Where premises contain no basement or cellar or other approved location satisfactory to the director, the water meter shall be installed outside in a meter pit, the location of which shall be approved by the director.

(Ord. No. 56-77, § 6.3, eff. 6-1-1956)

#### Sec. 90-134 Meter Pits

Where it is necessary to set the water meter in a pit, such pit shall be built at the expense of the customer as directed by and to the entire satisfaction of the director. Every meter pit shall have a sump pump or other satisfactory drainage installed at the expense of the customer. The sump pump or satisfactory drainage shall be maintained by the customer to prevent water in the pit from reaching the meter. The cost of repair or replacement of any meter damaged by high water in the pit shall be charged to the customer.

(Ord. No. 56-77, § 6.4, eff. 6-1-1956; Ord. No. 74-143, § 1, eff. 11-15-1974; Ord. No. 74-145, § 1, eff. unknown)

#### §90-135 Seals

All water meters shall be sealed by the department, and no person except an authorized employee of the department may break such seals. If a seal is broken in any other manner than by an authorized representative of the department, the cost of resealing shall be charged to the customer.

(Ord. No. 56-77, § 6.5, eff. 6-1-1956)

#### §90-136 Maintenance

The expense of maintaining water meters shall be borne by the department, except that in cases where replacement, resealing, repairs, and adjustments of a meter are made necessary by the act, negligence or carelessness of the customer, the expense to the department caused thereby shall be charged and collected from the customer in the same manner as other charges provided in this article.

(Ord. No. 56-77, § 6.6, eff. 6-1-1956)

#### §90-137 Customer's Responsibility for Protection of Meter

1. *Responsibility.* The owner of any premises where a meter is installed shall be held responsible for its care and protection from freezing or damage by hot water and from injury or interference by any person or persons. The owner of any premises where a meter is installed shall be liable for the full replacement costs of any meter and appurtenances that have been damaged or lost.
2. *Penalty.* A person found in violation of this section shall be, upon conviction, guilty of a Civil Infraction, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

#### §90-138 Notice of Injury to Or Improper Operation of Meter.

In case of injury to a water meter, or in case of its stoppage or imperfect operation, or the breaking of a seal, the customer shall give immediate notice to the department.

(Ord. No. 56-77, § 6.8, eff. 6-1-1956)

#### §90-139 Change in Location of Meter

After a water meter has been installed, its location shall not be changed except by permit from the department, in which event the cost thereof shall be borne by the customer.

(Ord. No. 56-77, § 6.9, eff. 6-1-1956)

#### §90-140 Reading of Meters

The Department shall have charge of the reading of all meters and shall keep a record of all meter readings. The Department shall keep accounts of the charges for water furnished to all premises, whether upon a meter or flat rate, and shall render bills for the same. All water charges shall be collected by the City. All payments made to the City shall be reported to the Department, who shall credit the sum to the property account.

#### §90-141 Testing Generally

All water meters shall be carefully tested before they are installed, and after their installation they shall be tested as frequently as the department shall deem advisable, and the department reserves the right to remove and test a meter at any time and to substitute meters either temporarily or permanently if it deems advisable.

(Ord. No. 56-77, § 6.11, eff. 6-1-1956)

#### §90-142 Testing at Customer's Request

Should a customer, at any time, question the accuracy of a water meter on his premises, the department shall, upon the customer's request, test such meter, and if the test shows that the meter has been over-registering, that meter shall be removed from service, and an accurate meter shall be installed.

(Ord. No. 56-77, § 5.12, eff. 6-1-1956; Ord. No. 80-199, § 1, eff. 5-1-1980)

#### §90-143 Bill Adjustments

1. If, at any time, upon the testing of a water meter, it is found that such meter is over-registering or under-registering by more than two percent, an adjustment in billing shall be made in accordance with the provisions in this article for billing in the event of meter failures.
2. The City Manager and the Director of the Department of Public Services shall have the authority to adjust billing with due cause.
  - a. If the customer is a city employee or contractor, the bill adjustment shall be authorized by the City Council.

#### §90-144 All Water to Pass Through

1. All connections with the water mains must be prepared for the use of water through a meter.
2. *Penalty.* A person found in violation of this section shall be, upon conviction, guilty of a Civil Infraction, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

#### §90-145. Single Connection

1. Meters for terraces and apartment houses will have a single connection with the water system for metering of all connecting houses.
2. *Penalty.* A person found in violation of this section shall be, upon conviction, guilty of a Civil Infraction, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

#### §90-146 Removal of Meters; Prohibition

1. All persons are forbidden to interfere with or remove a water meter from any service or any connection without first receiving permission from the Department. Whenever a meter is removed by permission, it must be immediately returned to the Department under penalty.
2. *Penalty.* A person found in violation of this section shall be, upon conviction, guilty of a Civil Infraction, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

§90-147 - §90-160      Reserved

## DIVISION 6      USE OF WATER OR SEWER SYSTEM

### §90-161      Individual Meter and Service Required for Each Premises in Separate Ownership

In cases where several persons or premises are supplied through one meter and one service, if at any time one or more of such buildings or premises are sold or transferred or otherwise pass under separate ownership, the owners shall be required to disconnect such building or premises and provide direct individual installations for each separate owner.

(Ord. No. 56-77, § 4.8, eff. 6-1-1956)

### §90-162      Temporary Service

Temporary use of water and sewer facilities may be provided on approval of the director under such terms as may be directed by the director, which in all instances shall be sufficient to compensate the city for all expenses incurred and water used.

(Ord. No. 56-77, § 4.9, eff. 6-1-1956)

### §90-163      Discontinuance of Service on Change of Ownership or Occupancy

1. *Notice Required.* Whenever a customer ceases to use the facilities provided under this article through the sale of the property or a change of tenancy or otherwise, it shall be the duty of such customer to notify the city in writing of their termination of the use of such facilities, and failure of a customer to give such notice to the city shall continue the contract between the city and the customer, at the option of the city, and the customer may be held liable for all of the services provided or furnished the premises until such notice is properly given.
2. *Change of Ownership/Occupancy.* Whenever the department receives notice of the termination of the use of the facilities provided under this article, it shall forthwith proceed to disconnect or shut off such facilities as may have been provided and make a final reading of any meters located upon the premises affected; provided, however, that if a new customer has obtained a permit for continuing the use of such facilities, the department shall only make a final reading of any meters located upon the premises and the use of such facilities shall be continued under the new permit.

### §90-164      Permanent Disconnection at Request of Customer

Whenever any person shall terminate the use of water and sewer facilities by disconnecting or requesting a disconnection therefrom, the department shall make such disconnection and seal the facilities in such manner as the director may deem necessary to avoid any future damage to the city's facilities. The property owner or his tenant shall be liable for the cost of such disconnection and sealing.

(Ord. No. 56-77, § 4.15, eff. 6-1-1956)

#### §90-165      Wasting Water

It shall be the duty of every customer to always exercise due diligence to prevent the waste of water, and to this end he shall be charged with the immediate stopping of all leaks and the proper operation of all shutoffs and at no time shall they allow a shutoff to remain open and unattended with- out good use being made thereof.

(Ord. No. 56-77, § 4.17, eff. 6-1-1956)

#### §90-166      Discharge of Harmful Matter to Sewers

If, in the opinion of the director, any harmful matter is found being dumped into the city sewer lines, causing excessive depreciation or damage, beyond that generally anticipated, they shall report their findings to the city manager, who may order the use of such sewer line discontinued or may direct that an additional charge be made for the use thereof, commensurate with the additional burden caused thereby, which action may be reviewed by the council, whose decision shall be final.

(Ord. No. 56-77, § 4.4, eff. 6-1-1956)

#### §90-167      Dumping of Sewage

No sewage shall be dumped or disposed of in any manner within the city except through the sanitary sewer lines of the city.

#### §90-168      Discharge of Unpolluted Water to Sanitary Sewers

No surface drainage, roof drainage, sump pump drainage or air conditioner drainage shall be dumped or disposed of into any sanitary sewer line of the city.

(Ord. No. 56-77, § 12.2, eff. 6-1-1956)

#### §90-169      Taking of Water Without Permission

1. No person shall take water from any fire hydrant, valve, faucet, pipe or any other opening connected with the city water supply system, nor shall any person open any fire hydrant, valve or faucet for the purpose of taking water or for any other purpose, unless the person shall first have made application for use of water for such purpose and received permission from the Department or unless the person is an employee of the city and is acting in the discharge of his or her duties.
2. *Penalty.* A person found in violation of this section shall be, upon conviction, guilty of a Civil Infraction, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

## §90-170      Supplying Water to Other Premises Prohibited

1. No person, whether owner or occupant or in possession, charge, or control of any building, structure or premises, into which water service is introduced, or to which water is supplied through the city water supply system, shall be allowed to supply other persons or families or to supply any water from the building or premises to a building, structure or premises other than the one from which such water service is introduced, unless permitted to do so by the Department.
2. *Penalty.* A person found in violation of this section shall be, upon conviction, guilty of a Civil Infraction, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

## §90-171 – §90-190      Reserved

## DIVISION 7      WATER CHARGES

### §90-191      Scope of Division

The provisions of this division apply to all water rates and charges made by the city for water services provided under this article.

(Ord. No. 56-77, § 7.1, eff. 6-1-1956)

### §90-192      Service Charge

A fixed, ready-to-serve charge, for each meter installed by the city, is hereby established. The amount of such charges and the interval at which users of the system are billed shall be determined by resolution of the city council.

(Ord. No. 56-77, § 7.2, eff. 6-1-1956; Ord. No. 67-98, eff. 11-1-1967; Ord. No. 76-162, § 1, eff. 4-30-1976; Ord. No. 80-206, § 1, eff. 1-1-1981; Ord. No. 88-257, § 1, eff. 8-1-1988; Ord. No. 92-275, § 1, eff. 3-6-1992; Ord. No. 92-280, § 3, eff. 7-6-1992; Ord. No. 92-284, § 1, eff. 1-1-1993; Ord. No. 94-299, § 1, eff. 9-1-1994)

### §90-193      Turn-On Fee

Each time the water service is turned on, there shall be a charge as set by resolution of the city council. The turn-on fee shall be paid before the water is turned into the service.

(Ord. No. 74-143, § 1(7.2a), eff. 11-15-1974)

## §90-194 Water Rates

For all water consumed, a charge as set by resolution of the city council will be made for each 1,000 gallons of water consumed over 10,000 gallons in any one quarter.

(Ord. No. 56-77, § 7.3, eff. 6-1-1956; Ord. No. 67-98, eff. 11-1-1967; Ord. No. 76-162, § 1, eff. 4-30-1976; Ord. No. 80-206, § 1, eff. 1-1-1981; Ord. No. 88-257, § 1, eff. 8-1-1988; Ord. No. 92-275, § 1, eff. 3-6-1992; Ord. No. 92-280, § 3, eff. 7-6-1992; Ord. No. 92-284, § 1, eff. 1-1-1993)

## §90-195 Meter Failures

If any water meter becomes faulty or fails to register, the customer will be charged at the average quarterly consumption rate as shown by the meter reading for the last four billings to such customer when the meter was accurately registering, providing the customer has been using water for such period. Otherwise, such billing shall be based on an estimate made by the department and adjusted when a full year's experience is had.

(Ord. No. 56-77, § 7.4, eff. 6-1-1956)

## §90-196 Inaccessible Meters

1. *Obstruction To Premises Being Serviced.* No person shall in any manner obstruct, cause or permit to be obstructed, access to any stop-cock, water meter, proportional, indicating or recording device, Buffalo or shut-off box, or connection with any water main or service pipe, by any means, shift or device whatsoever, and in the event the owner or person in possession, charge or control of the premises, after proper notifications shall fail to remove the obstruction, the Department may withhold water service to the building, structure or premises until the obstruction shall be removed. The Department shall have the power to require that an outside reading device, if necessary, be installed at the owner's expense if access to the meter is deemed hazardous to the representative of the Department.
  - a. *Penalty.* A person found in violation of this section shall be, upon conviction, guilty of a Civil Infraction, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.
2. *Unreadable Meter.* In cases where a meter is unreadable by any method, including a visual reading, a billing shall be made based on consumption for the average of the last four billings to such customer and adjusted upon the billing made for the next time a reading is obtained. If more than two consecutive billings lapse without a reading, the department shall notify the customer as to the date and time when a representative will be present to read the meter and replace components necessary to gain a proper reading, and failure of permanent arrangements being made, satisfactory to the department, to read such meter shall result in the service being discontinued in the same manner as provided for nonpayment of bills.



## §90-197 Tap Charge

1. For any water tap, or any enlargement or reduction in size of a previous tap, to be made by the city, a charge shall be made based on the actual cost to the city, including the full cost of the meter and all materials. The charge shall be payable in an amount estimated by the department before the permit required is issued, with final settlement to be made before the water is turned into service of the customer.
2. There shall be a permit fee in the amount set by resolution of the city council and an inspection fee in the amount set by resolution of the city council, which sums shall be paid at the time application is made for any tap or any enlargement or reduction in size of a previous tap.
3. The owner of any property may arrange to have any tap or any enlargement or reduction in size of a previous tap made by a qualified contractor.
  - a. The contractor employed by the owner for such work must be a licensed underground sewer and water contractor, and at the time the contractor applies for the permit, they shall submit to the department evidence of such license and in addition evidence of having workers' compensation insurance covering his employees and public liability and property damage insurance in an amount not less than \$100,000.00 for any person, \$300,000.00 for any occurrence, and \$50,000.00 property damage, with such insurance being endorsed so that the city is protected from any and all claims.
  - b. The contractor shall pay the permit fee and inspection fee as set by resolution of the city council. Payment of all sums due the city must be made prior to the time the permit is issued.

(Ord. No. 56-77, § 7.6, eff. 6-1-1956; Ord. No. 69-107, § 1, eff. 6-30-1969; Ord. No. 71-116, § 1, eff. 11-1-1971)

## §90-198 Benefit Charge

1. For the privilege of tapping into any of the city-owned or city-operated water mains, there shall be a benefit charge as set by resolution of the city council, payable at the rate set by resolution of the city council until the entire sum is paid, with the privilege of paying the full amount of any unpaid balance at any time at a discount on the balance of ten percent. Where the main serving the premises was installed and paid for by the subdivider or property owner, either by contract or by special assessment, there shall be a benefit charge as set by resolution of the city council, payable in the same manner.
2. The charge described in subsection (a) of this section is for a normal house service connection for one single-family residence using a one-inch tap or less. If a water tap larger than one inch is used, there shall be an additional benefit charge, as set by resolution of the city council, for each one inch or fraction thereof of tap size over one inch. Further, when more than one building (other than a garage) is erected on a platted lot or parcel of land, an additional normal charge will be made for each building, plus the additional benefit charge for taps exceeding one inch. In the event of construction of a multiple-family residence or mobile home park, there shall be a

charge as set by resolution of the city council for a tap up to one inch, with an additional charge for each inch or fraction thereof of the tap over one inch, plus an additional charge per unit or mobile home site.

(Ord. No. 56-77, § 7.8, eff. 6-1-1956; Ord. No. 75-145, § 1, eff. unknown)

#### **§90-199      City-Owned Fire Hydrants**

For each city-owned fire hydrant connected to the city water lines, there shall be appropriated and paid from the general fund of the city to the water and sewer receiving account, per annum, a sum as set by resolution of the city council.

(Ord. No. 56-77, § 7.9, eff. 6-1-1956)

#### **§90-200      Private Fire Service**

Whenever private fire service is provided on private property, there shall be a monthly standby charge, in addition to the regular tap and benefit charge, as set by resolution of the city council.

(Ord. No. 56-77, § 7.10, eff. 6-1-1956)

#### **§90-201      Service to Premises Outside City**

Whenever services are applied for under this division to premises located outside the city, the department shall forthwith advise the council of such application, and no such services shall be furnished without the approval of the council. No water service shall be furnished to any premises outside the city unless the owner of the premises applies for and uses the services of the sewer system of the city in connection with the premises for which water service is sought. If the city sewer system is not available on such premises, then the council may, in its discretion, authorize water service upon such terms, charges and conditions as it shall deem proper.

(Ord. No. 69-107, § 1(7.12), eff. 6-30-1969)

#### **§90-202      Unmetered Sales**

If a customer desires to obtain water from city fire hydrants or other unmetered locations, such person shall first notify the superintendent of the time and place where such water will be obtained. Before any water is taken from such sources, a city employee must be present. The charge for such water shall be based upon the established charge per 1,000 gallons provided for in this division plus an additional charge for the time a city employee is present while the customer is obtaining the water. The city shall charge a minimum of one hour for the employee's time, which shall include the employee's regular hourly rate plus fringe benefits plus 15 percent administrative overhead.

(Ord. No. 75-145, § 1(7.13), eff. unknown)

#### §90-203      Drinking Water Wells; Prohibition Thereof

1. *Prohibition.* The installation of drinking water wells within the city is prohibited.
2. *Penalty.* A person found in violation of this section shall be, upon conviction, guilty of a misdemeanor, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

#### §90-204      Protection of Potable Water Supply

1. Potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this subchapter and by the State and the City 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
2. *Penalty.* A person found in violation of this section shall be, upon conviction, guilty of a misdemeanor, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

#### §90-205      Water Shut-Off; Resumption of Services; Violation; Severance of Connection

1. Where the water supply to any building, structure or premises shall have been shut off or stopped by or under the direction of the Department, or in accordance with the provisions of this subchapter, the water shall not again be supplied to the building, structure or premises, or permitted to be turned on therein, or thereto, unless a permit is first issued for that purpose by the Department.
2. If it shall be found that the water supply has been turned on, or into any such building, structure, or premises in violation of the provisions of this subchapter, the Department shall, have the authority to order the severing of the service or supply pipes by and through which the water is supplied to the building, structure, or premises.
3. Where service or supply pipes are severed in accordance with the provisions of this subchapter, the severing or cutting off shall be done at the water mains or as near thereto as practicable and no water shall again be supplied to the building, structure or premises, or be permitted to be turned on therein, or thereto, until the cost and expense of the severing and also any other unpaid rates that may be still outstanding have been paid.
3. *Penalty.* A person found in violation of this section shall be, upon conviction, guilty of a misdemeanor, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

#### §90-206      Right of Entry; Refusal; Shut-Off; Power to Require Repairs

1. The officers of the city water supply system and any and every person delegated or authorized by the Department, shall have free entry and access to every part of any building, structure, or premises, whenever the entry or access is deemed necessary or advisable. In case any person in possession, charge or control of any building, structure or premises, into which any officer or person shall desire entry or access, shall refuse to permit the entry or access, or shall do or cause to be done any act or thing for the purpose of preventing the entry or access, the Department may turn off the service from such building, structure or premises, until notice shall have been given that entry or access will be permitted or provided, and until the entry or access has been accomplished.
2. The Department shall have the power and authority to inspect, and make an examination of all pipes and fixtures connected with the city water supply system and he or she shall have the power and authority to require any pipes or fixtures to be repaired, removed, replaced or changed, where the same are defective or not in compliance with the provisions of this chapter or the rules and regulations of the Department.
4. *Penalty.* A person found in violation of this section shall be, upon conviction, guilty of a misdemeanor, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

#### §90-207      Lien; Assessment

1. As provided for in the Revenue Bond Act 94 of 1933, chapter 141.12 § 21 (3), “[a]ll those charges delinquent for 6 months or more, may be certified annual to the proper tax assessing officer or agency who shall enter the lien on the next tax roll against the premises to which the services shall have been rendered, and the charges shall be collected and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of the lien for the taxes.”
2. The assessing officer shall enter the amount of each such delinquent water and sewage assessments, together with 15% transfer fee upon the general city tax roll covering the premises with legal interest upon which water and sewer charges have accrued, and such charges shall be collected and such lien shall be enforced in the same manner as provided for in the collection of general city taxes assessed on such rolls and the enforcement of the lien thereof.
3. The City of Belleville reserves the right to certify delinquent properties to the county to preserve the city’s lien rights in accordance with the state and county tax laws regarding foreclosure requirements.
4. Unpaid charges shall be a personal debt to the City of Belleville, which reserves the right to collect unpaid charges as allowed through P.A. 178 of 1939, chapter 123.162, § 2.

#### §90-208      Service Shut-Off; Labor Cost; Turn-On Charge

Whenever the water is turned off from any premises at the request of the owner or because of a violation of any ordinance, rule or regulation of the city by the owner or occupant thereof, or the failure to pay a water bill or charge on the premises, the same shall not be turned on again until the owner has

paid to the city the sum to cover the labor cost, and in cases where extraordinary labor is required, the additional sum as will compensate for the additional labor and parts.

#### §90-209      Use and Operation of Water System

Subject to the approval of the City Council, the Department shall from time to time establish all necessary rules and regulations in respect to the use and operation of the city water supply system, in accordance with the provisions of this subchapter.

#### §90-210      Right of Entry; Information

1. A representative of the city shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the city for the purpose of inspecting the piping system or systems thereof for cross-connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connection.
2. *Penalty.* A person found in violation of this section shall be, upon conviction, guilty of a civil infraction, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

#### §90-211      Discontinuing Cross-Connection Service

The city is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this subchapter exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this subchapter.

#### §90-212      Testing of Devices

1. All testable backflow prevention devices shall be tested initially upon installation to confirm that the device is working properly. Subsequent testing of devices shall be conducted at a time interval specified by the city and in accordance with Michigan Department of Environmental Quality requirements. Only individuals approved by the city shall be qualified to perform such testing. Individual(s) shall certify the results of his or her testing.
2. *Penalty.* A person found in violation of this section shall be, upon conviction, guilty of a civil infraction, punishable as outlined in Chapter 1, Section 1-13, of the Belleville Code of Ordinances.

#### §90-213 – §90-220      Reserved