

25.500

**WATER SERVICE
CITY OF GAYLORD, MICHIGAN
Ord. Amend. Eff. September 17, 2006**

25.501

Sec. 5301. **DEFINITIONS.**

BASE CHARGE shall mean a charge levied on each user of the System based upon each user's User Class.

CAPITAL FEE shall mean:

1. An initial fee levied on all new construction or connections to the System, and/or
2. A one time fee levied on a user when there is a) a change in usage of premises which changes the otherwise applicable Equivalent Unit Factor or b) when there is an increase in the square footage of a building or buildings. (ord. amend. eff. Oct. 15, 2000)

CITY shall mean the City of Gaylord, Michigan.

CITY COUNCIL shall mean the City Council of the City.

COMMERCIAL USER shall mean any user whose premises are used to offer services and/or products such as gasoline stations, restaurants, hotels, motels, warehouses, private clubs, theaters, retail and wholesale stores.

COMMODITY CHARGE shall mean the charge levied on each user of the System based upon usage.

CONNECTION FEES shall mean an initial fee levied on all new connections to the system.

EQUIVALENT UNIT FACTOR shall mean the multiplier used to determine the Capital Fee to be levied upon a user based upon the type of use and size of the premises being served, pursuant to Section 5306.3B.

EQUIVALENCY RATIO shall mean the ratio assigned each user of the System based upon the user class to establish the various user class base charge.

FRONTAGE OR AREA FEES shall mean an initial fee levied before connection to the System for properties which:

1. Have never had water service previously; and
2. Where a water main is presently installed to service the premises.

Properties in which special assessments have been levied for the cost of utility construction are exempt from these fees.

GOVERNMENTAL USER shall mean any Federal, State, or local governmental user of

the System.

INDUSTRIAL USER shall mean any profit seeking enterprise which discharges trade or process waste.

INSPECTION FEE shall mean the fee levied for inspection purposes by Water Department personnel.

INSTITUTIONAL USER shall mean school, hospital, church, nursing home or like user.

PERSON shall mean any individual, firm, company, association, society, corporation, or group.

POTABLE WATER shall mean water which is supplied by the City of Gaylord. (ord. amended eff. Nov. 17, 1996)

RECONNECTION FEE shall mean a fee levied to restore service after it has been discontinued.

RESIDENTIAL USER shall mean any dwelling unit used as a domicile which uses water characteristic of normal domestic use.

SUPERINTENDENT shall mean the Water Department Superintendent/Chief Operator of the City of Gaylord, or his authorized deputy, agent or representative.

SYSTEM shall mean all facilities of the City and subsequent additions including all wells, hydrants, water mains, pumps, water storage tanks or towers, and all facilities used or useful in the distribution and treatment of water, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

USER CLASS shall mean the type of user connected to the System, including but not limited to, residential, industrial, commercial, institutional, and governmental. (ord. amend. eff. Dec. 12, 1993)

WATER USER as referred to herein shall be any person, firm or corporation who uses water from the Gaylord Water Supply System, except those who use water only for the purpose of fire protection. (ord. amend. eff. Dec. 12, 1993)

25.502 Sec. 5302. **USE OF POTABLE WATER REQUIRED.**

Except as otherwise provided in Section 5304.2, the owner of all houses, buildings, structures, tenements, premises or improvements situated within the City of Gaylord, in or on which water is used or consumed and abutting on any street, highway, alley or right-of-way in which there is now or hereafter may be located facilities of the City of Gaylord to supply potable water, shall connect to such facilities and use the same for all water used or consumed on the premises. Such connections shall be made within

ninety (90) days of official notice to do so. Provided, however, that the requirements of this section shall apply only in the event that the potable water facilities are within two hundred (200') feet of the nearest property line.
(ord. amended eff. Nov. 17, 1996)

25.503 Sec. 5302.1. **SPRINKLE LAWNS.**

Repealed Dec. 12, 1993.

25.504 Sec. 5303. **WATER METERS.**

Repealed Dec. 12, 1993.

25.505 Sec. 5303.1. **WATER TO BE METERED.**

All water furnished to a consumer shall be metered at all times with a meter owned by the City. Authorized employees or officials of the City shall have access, at reasonable hours, to any building serviced by the water department for the purposes of installation, reading, checking or repairing of water meters or inspecting water supply lines.

Each separate building, other than accessory buildings such as garages, that has water supplied to it shall have a separate water tap and meter and shall be considered a separate customer for billing purposes.

25.506 Sec. 5303.2. **LOCATION OF METER.**

Meters shall be installed within or on the building or structure to be served, in a manner and place as determined by the Water Department Superintendent. If the occupant or owner of premises refuses permission to allow the installation of a meter on the premises, it shall be installed at the property line and additional costs, if any, shall be added to the water bill.

Sufficient heat shall be provided in the meter area within the building to prevent water freezing within the meter. Failure to do so shall be deemed improper care as referred to in Section 5303.3 and all repair costs shall be paid by the consumer.
(amend. by ord. eff. Mar. 30, 1981; further amend. eff, Sept. 15, 1986)

25.506A Sec. 5303.3. **METER FEE AND MAINTENANCE.**

A water meter shall be supplied by the City and a fee shall be paid by the consumer for all new or initial installations. The fee charged to the consumer shall be equal to the cost to the City of the meter and installation appurtenances plus ten (10%) percent. Installations of meters will be allowed by licensed plumbers if so authorized by the Superintendent.

The meter shall be owned by the City and normal maintenance or replacement thereof shall be provided by the City.

Any repair costs incurred as a result of improper care or treatment of the installed meter

shall be paid by the consumer.
(amend. by ord. eff. Mar. 30, 1981)

25.507 Sec. 5304. **WATER MAINS, HYDRANTS AND SERVICE CONNECTION.**

Repealed Dec. 12, 1993.

25.508 Sec. 5304.1. **OWNERSHIP BY CITY.**

All water mains, hydrants, easements and service connections, including shutoff and shutoff box shall be owned and controlled by the City.

25.508A. Sec. 5304.2. **PRIVATE WATER WELLS.**

1. The drilling or use of any well, by any person or entity other than the City of Gaylord, for the purpose of water production for any use is prohibited within the jurisdiction of the City of Gaylord, except as hereinafter provided.

(ord. amend, eff. Nov. 17, 1996, further amend. by ord. eff. May 11, 1998)

2. As to any property which has come within the jurisdiction of the City of Gaylord through a contract pursuant to Public Act 425 of 1984 or through annexation, between the dates of November 17, 1994 and November 17, 1996, and which has an operating water well in use on the effective date of this amendment, the following shall apply:

a. The use of such water well shall be discontinued and said well abandoned and sealed off upon the earlier of 1) a sale of the property, or 2) when said well is no longer operable or needs to be reworked or replaced, or 3) at such time as the premises are connected to the Gaylord Water Supply System, or 4) November 17, 2001.

(ord. amend. eff. Nov. 17, 1996, further amend. by ord. eff. May 11, 1998)

3. As to any property which has come subsequent to November 17, 1996, or hereafter comes within the jurisdiction of the City of Gaylord through a contract pursuant to Public Act 425 of 1984 or through annexation, and which has an operating water well in use on the effective date of this amendment or at the time the property hereafter comes within the jurisdiction of the City, the following shall apply:

a. The use of such water well shall be discontinued and said well abandoned and sealed off upon the earlier of 1) a sale of the property, or 2) when said well is no longer operable or needs to be reworked or replaced, or 3) at such time as the premises are connected to the Gaylord Water Supply System, or 4) within five (5) years from the date when the property came or hereafter comes within the jurisdiction of the City of Gaylord.

(ord. amend. eff. Nov. 17, 1996, further amend. by ord. eff. May 11, 1998)

4. Upon the discontinuance of the use of any private water well, the owner of the affected property shall immediately connect to the potable water facilities of the

City of Gaylord, so that all water thereafter used or consumed on the property shall be potable water.

(ord. amend. eff. Nov. 17, 1996, further amend. by ord. eff. May 11, 1998)

5. At such time as any premises or property is connected to the sanitary sewer system of the City of Gaylord, a meter shall be installed on any water well then serving the property, for the purpose of metering and billing for use of the sanitary sewer system.

(ord. amend. eff. Nov. 17, 1996, further amend. by ord. eff. May 11, 1998)

6. It shall be unlawful for any person, firm, organization or entity to connect or allow to be connected any water well to potable water facilities of the City of Gaylord, by any means.

(ord. amend. eff. Nov. 17, 1996, further amend. by ord. eff. May 11, 1998)

7. The City Council may, in its discretion, permit the drilling and/or use of water wells in the City of Gaylord upon a determination that such use is in the best interests of the City and its residents and such use will have no adverse impact on the City's potable water system. Provided, however, that the use of such water well shall be allowed only for the following purposes:

- a. Golf course irrigation.

- b. Snow-making for commercial ski resorts or ski areas.

- c. Other uses where there are unique circumstances, such as where City water is not usable for the specific purpose at issue.

(ord. amend. eff. Nov. 17, 1996, further amend. by ord. eff. May 11, 1998)

25.509 Sec. 5305. **WATER RATES: RESPONSIBILITY; COLLECTION.**

Repealed Dec. 12, 1993.

25.510 Sec. 5305.1. **WATER RATES SHALL BE AS FOLLOWS.**

All rates for water shall be determined by the City Council, by resolution. The City Council shall determine such rates annually. Rates for non-resident or unincorporated users of water service shall be double the rates established by the City Council.

(ord. amend. by ord. no. 1980-4 eff. Mar. 3, 1980; further amend. by ord. eff. Feb. 1, 1982; by ord. eff. July 5, 1982; by ord. eff. Jan. 1, 1984; and by ord. eff. Mar. 3, 1986; ord. amend. eff. Dec. 12, 1993)

25.511 Sec. 5305.2. **BILLING; DELINQUENT BILLS.**

Water fees will be billed according to the meter reading or estimate on approximately the fifteenth (15th) day of each month. All water bills shall be due and payable on or before the tenth (10th) day of the month following the month in which the bill was mailed. Any and all water bills not paid by the said tenth (10th) day of the month shall be considered delinquent and a three (3%) percent delinquency charge shall be added

thereto. Water bills that are delinquent shall be cause for discontinuance of water service in addition to any other remedies provided by this Ordinance or any other law, statute, rule or regulation.

(amend. by ord. eff. April 14, 1986; ord. amend. eff. Dec. 12, 1993; amend. by ord. eff. Feb. 27, 1995)

25.512 Sec. 5305.3. REQUEST FOR WATER SERVICE.

1. Requests for water to be furnished to premises shall be made by the owner thereof, and invoiced and billed to him unless provisions in writing are made to do otherwise. All unpaid water bills shall become a lien upon the premises or lands served, in accordance with the provisions of MCL 123.162; said lien may be enforced in accordance with the provisions of MCL 123.163.
2. The City may refuse to furnish water to any premises as to which there is an unpaid water bill for water previously furnished to that premises, regardless of the identity of the residents of said premises during the time said unpaid water bill was incurred.
3. Any landlord of premises being furnished with water service, as to which an affidavit has been filed pursuant to MCL 123.165 shall notify the City of any change in the identity of tenants, termination of tenancy, or vacation of premises by tenants within seven (7) days after the same occurs.

(amend. by ord. no. eff. Jan. 9, 1989; by ord. eff. Feb. 13, 1989)

25.513 Sec. 5305.4. MONIES COLLECTED; SEPARATE FUND.

All monies collected for water service and/or penalties shall be deposited in a separate fund if required by law or contract with bond holders.

(ord. amend. eff. Dec. 12, 1993)

25.514 5305.5. DISCONTINUED SERVICE; REASONS.

Water service may be discontinued for excessive use of water or for other violation of water department regulations.

(ord. amend. eff. Dec. 12, 1993)

25.515 5305.6. RECONNECTION; FEE.

The City Council may, by resolution, determine the amount of any reconnection fees.

(ord. amend. eff. Dec. 12, 1993)

25.516 5305.7. CITY NOT HELD LIABLE.

The City of Gaylord shall not be responsible to any consumer for damage to person or property which results from the Water Department's failure or refusal to provide water service to premises of said consumer.

25.517 5305.8. NON-RESIDENT USERS.

The City Council may, when it deems it to be in the public interest or in the best interests of the City or its surrounding area, authorize the Water Department to sell or provide water service to premises located outside the City limits.
(ord. amend. eff. Dec. 17, 1984; ord. amend. eff. Dec. 12, 1993)

25.518 Sec. 5306. **CONNECTION FEES; WRITTEN PERMISSION.**

Repealed Dec. 12, 1993.

25.519 Sec. 5306.1. **WATER MAINS; PERMIT TO OPEN INTO.**

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public water main or appurtenance thereof without first obtaining a written permit from the City Clerk.

25.520 Sec. 5306.2. **PERMITS; UPON WRITTEN APPLICATION, ONLY.**

An owner or his agent shall make application on a form furnished by the City in regard to construction purposes. The permit shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Water Department Superintendent. All connection fees, capital fees, base fees and water main frontage fees shall be paid **in full** to the City Treasurer at the time of filing application therefor and prior to receiving service to the premises and shall be computed on the following fee schedule:

All base fees, connection fees, capital fees, frontage and/or area fees shall be determined by the City Council, by resolution, at the same time that the Council establishes the water rates under Section 25.510.

(ord. amend. eff. July 10, 1978; further amend. by ord. no. 1980-4 eff. Mar. 3, 1980, by ord. eff. Mar. 30, 1981, and by ord. eff. May 4, 1981; ord. amend. eff. Dec. 12, 1993)

25.520A Sec. 5306.3. **CAPITAL FEES FOR NEW SERVICES.**

1. A capital fee shall be charged for all new construction or connections to the System; when there is a change in usage of premises which changes the otherwise applicable Equivalent Unit Factor; or when there is an increase in the square footage of a building or buildings.
2. A minimum of one Residential Equivalent Unit Factor will be charged for all new construction or change of use in premises.
3. Capital fees collected shall be maintained in a separate account and utilized for future capital improvements.
4. Capital fees must be paid in full upon application for new connection or zoning permit and prior to any actual connection unless other payment arrangements are approved by the City Council.

5. Capital fees assessed shall be based on the primary use of the business and the total square footage the business occupies, including any accessory use.
6. Capital fees for new construction or change in usage of a premise shall be assessed based on the Table of Equivalent Unit Factors established annually by resolution of the City Council.
7. If a use is not listed in the Table of Equivalent Unit Factors the developer will be required to submit verifiable information regarding the estimated consumption of water annually, which will be used to calculate the Equivalent Unit Factor before a zoning permit will be issued.
8. Construction of developments which contain more than one separate and distinct business shall be assessed capital fees based on the Equivalent Unit Factor of each use.
9. Capital fees when there is an increase in the square footage of a building shall be assessed based on the Table of Equivalent Unit Factors established annually by resolution of the City Council and the Equivalent Unit Factor assigned to the individual business.
10. In the case of any existing business which wishes to increase the square footage of a building but which does not have an Equivalent Unit Factor assigned because information needed to calculate the Equivalent Unit Factor was not available at the time the Table of Equivalent Unit Factors was adopted, the developer will be required to provide the information necessary to calculate the Equivalent Unit Factor before a Zoning Permit shall be issued.
11. Existing developments which contain more than one separate and distinct business which does not have an Equivalent Unit Factor assigned because information regarding the annual water consumption of each business was not available at the time the Table of Equivalent Unit Factors was adopted, shall be assessed capital fees for any increase in square footage of a building based on the Equivalent Unit Factor for new construction.
12. EXCEPTIONS:
 - a. Property that has come within the jurisdiction of the City of Gaylord through a contract pursuant to Public Act 425 of 1984 or through annexation, between the dates of November 17, 1994 and November 17, 1996, will be exempt from payment of Capital Fees, except for the following:
 1. A redevelopment of the property that results in a change in usage of the premises which changes the otherwise applicable Equivalent Unit Factors under Section 5306.3, above; or an increase in the square footage of a building or buildings on the property that increases total square footage by more than fifty (50%) percent.
 2. Development of vacant property.

- b. Developments already in progress of construction at the time that this amendment becomes effective shall be exempt from Capital Fees. Progress of construction for purposes of this Ordinance and amendment shall be that an approved site plan has been duly approved by the Planning Commission, if necessary, for the entire project and a proper zoning permit has been obtained by the developer for such construction. No partial construction or phased construction activities will be considered exempt unless continuous construction activity is occurring at a particular site.

13. Capital fees will be credited for all existing properties based upon their existing use and square footage at the time that this amendment becomes effective.
(ord. amend. eff. Oct. 15, 2000, further amend. by ord. eff. Sept. 17, 2006)

25.521 Sec. 5307. **SERVICE PIPE; STANDARDS.**

Size and type of service pipe shall be as established and set forth in the municipal standards adopted by the City Council.
(ord. amend. eff. Dec. 18, 1978; further amend. eff. Aug. 15, 1983; ord. amend. eff. Dec. 12, 1993)

25.522 Sec. 5308. **WATER MAINS; NOT PRESENTLY INSTALLED.**

In all cases where water mains are not now installed to serve premises, the owner of any premises desiring to have water service extended to their property shall comply with the procedures set forth in the Gaylord Ordinances regarding Special Assessment Improvements. Provided however, that an owner may request extension of water service to his premises, and be eligible to receive same, upon payment or arrangement to pay his share of the full cost of the extension of said service. Such owner shall, in addition to said payments, be obligated to pay any base fee, connection fee, capital fee, frontage fee and/or area fee as established by City Council, prior to connection to the service. Any and all such construction shall conform to standards established by the City.
(ord. amend. eff. Dec. 12, 1993)

25.523 Sec. 5309. **CROSS CONNECTIONS WITH WATER SUPPLY SYSTEM.**

Repealed Dec. 12, 1993.

25.524 Sec. 5309.1. **ADOPTION BY REFERENCE.**

The City of Gaylord adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Health, being R 325.431 to 325.440 of the Michigan Administrative Code.

25.525 Sec. 5309.2. **WATER SUPPLY; INSPECTIONS.**

It shall be the duty of the City Water Department to cause inspections to be made of all properties served by the public water supply where cross connections with the public

water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards shall be as established by the City Water Department and as approved by the Michigan Department of Health.

25.526 **Sec. 5309.3. INSPECTORS; RIGHT OF ENTRY.**

The representative of the City Water Department 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 of Gaylord for the purpose of inspecting the piping system or systems thereof for cross connections or possible violation of this Ordinance. On request the owner, lessees or occupants of any property served shall furnish to the said representative any pertinent information regarding the piping system or systems on the property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of cross connections or possible violation of this Ordinance.

25.527 **Sec. 5309.4. CONNECTIONS MADE IN VIOLATION: REMEDY.**

The City Water Department is hereby authorized and directed to discontinue water service after reasonable notice to any property owner, lessee or occupant of the property wherein any connection in violation of this Ordinance 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 Ordinance.

25.528 **Sec. 5309.5. PROTECTION FROM CONTAMINATION.**

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this Ordinance and by the State and City of Gaylord 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 follows:

“WATER UNSAFE FOR DRINKING”

25.529 **Sec 5309.6. SUPPLEMENTARY TO STATE PLUMBING CODE.**

No provision of this Ordinance is intended to supersede the State Plumbing Code or ordinance of the City of Gaylord adopting a plumbing code but is intended to be supplementary thereto.

25.530 **Sec. 5310. AUTHORITY TO PROMULGATE REGULATIONS.**

Repealed Dec. 12, 1993.

25.531 **Sec. 5310.1. REGULATIONS.**

The Water Department is authorized to promulgate necessary regulations not in conflict with or enlargement of the terms of this Ordinance, provided however, such

proposed regulations shall be subject to approval of the City Council.

25.532 Sec. 5311. **PENALTIES.**

Any person violating any provisions of this Ordinance shall on conviction be subject to all penalties provided in Section 1104 of the Gaylord Ordinance Code and may in addition thereto have water service discontinued while a violation continues.

25.533 Sec. 5312. **SPRINKLING METER PROGRAM.**

Sections 5313 through 5318 of the Gaylord Ordinance Code shall be known as the Sprinkling Meter Program.
(ord. amend. eff. Mar. 30, 1987)

25.534 Sec. 5313. **ELIGIBILITY.**

All water users within the City limits of Gaylord will be eligible to participate in the Sprinkling Meter Program.

25.535 Sec. 5314. **APPLICATION AND METER.**

Any water user desiring to participate in the Sprinkling Meter Program shall make written application to the City Clerk for the installation of the sprinkling meter. If the Utility Clerk determines that the applicant is eligible, a sprinkling meter shall be purchased from the City. The fee charged to the consumer shall be equal to the cost to the City of the meter and installation appurtenances plus ten (10%) percent. The function of such sprinkling meter shall be to measure the quantity of water used that is not discharged into the City sewer system. All such meters shall be installed inside the residence, building, or permanently affixed in a City approved outdoor meter pit.

All sprinkler meters shall be permanently plumbed into the water system of the residence or building. No sprinkler meters will be allowed to be hooked to spigots or faucets. All existing sprinkler meters which are not in compliance must be replumbed to meet these requirements by May 1, 2000. The City Water Department must be contacted in advance of the placement of a sprinkling meter to verify its location and compliance with these provisions.
(ord. amend. eff. Mar. 30, 1987; ord. amend. eff. Dec. 12, 1993)

25.536 Sec. 5315. **COST AND OWNERSHIP.**

All plumbing costs incurred to install the sprinkling meter shall also be the responsibility of the water user. The sprinkling meter shall be owned by the City and the City shall provide normal maintenance and repair of same. Provided, however, that any repair costs incurred or necessitated as a result of improper care or treatment of the installed meter shall be the responsibility of the water user. Once installed, the sprinkling meter will remain in the residence or building regardless of ownership of such residence or building. If the water user desires to have the sprinkling meter removed, it shall be removed and returned to the City at no cost to the City.
(amend. eff. Mar. 30, 1987; ord. amend. eff. Dec. 12, 1993)

25.537 Sec. 5316. **MINIMUM SEWER CHARGE.**

Repealed _____.

25.538 Sec. 5317. **UNAUTHORIZED USE AND PENALTY.**

No water user participating in the Sprinkling Meter Program shall cause or allow any water measured by the sprinkling meter to be discharged into the City sewer system. Any violation of this provision shall subject the water user to a sewer charge for the entire water measured by the sprinkling meter since its initial installation and, in addition thereto, the penalties prescribed in Section 5311 of the Gaylord Ordinance Code.

(ord. amend. eff. Mar. 30, 1987)

25.539 Sec. 5318. **WATER RATES.**

Repealed Dec. 12, 1993.

25.540 Sec. 5319. **PENALTIES.**

Any person, firm, organization or entity who violates any provision of the Water Service ordinances of the City of Gaylord shall be guilty of a misdemeanor. Each day that any violation continues in existence shall be deemed to be a separate offense.

(ord. amend. eff. Nov. 17, 1996)

Ordinance amended effective February 13, 2000; further amended effective October 15, 2000; further amend. by ord. eff. Sept. 17, 2006