

**AN ORDINANCE TO PROVIDE FOR THE USE AND SERVICE  
AND FOR THE RATES FOR SERVICE OF THE WATER DISTRIBUTION  
SYSTEM OF THE CITY OF CASPIAN**

**ARTICLE I  
DEFINITIONS**

**1.1 Definitions** In the interpretation of this ordinance, the following definitions shall apply unless the context clearly indicates otherwise:

- (a) "Backflow" means water of questionable quality, wastes or other contaminants entering a public water supply system due to a reversal of flow.
- (b) "City" means the City of Caspian, Iron County, Michigan.
- (c) "Commercial user" means a person whose premises are used to offer services and/or products such as, for example, retail and wholesale stores, gasoline stations, restaurants, schools, churches, hotels, motels, nursing homes, private clubs, theaters and governmental buildings.
- (d) "Commission" means the governing body of the City.
- (e) "Commodity charge" means a charge payable by a user based on water consumption.
- (f) "Connection charge" means the charge imposed to defray a portion of the capital costs of construction of the System.
- (g) "County" means Iron County, Michigan.
- (h) "Cross-connection" means a connection or arrangement of piping or appurtenances through which a backflow could occur.
- (i) "Domestic user" means a person whose premises are domiciles for single or multiple family use.
- (j) "Industrial user" means a person who operates a manufacturing or process facility which is engaged in producing a product.

(k) "Local distribution lines" means those pipes which serve only the abutting property within only one local service area.

(l) "Meter installation charge" means the charge for the water meter, meter installation, and necessary inspections.

(m) "Meter test charge" means the charge imposed for the costs of determining the accuracy of the water meter.

(n) "Premises" means each lot or parcel of land, building, premises, dwelling unit or apartment unit having any connection to the water distribution system.

(o) "Readiness to serve charge" means the charge imposed for the availability of the water from a distribution line.

(p) "Secondary water supply" means a water supply system maintained in addition to a public water supply, including but not limited to water systems from ground or surface sources not meeting the requirements of Act No. 98 of the Public Acts of 1913, as amended, being Sections 325.201 to 325.214 of the Compiled Laws of 1948.

(q) "Service charge" means the minimum charge payable by the user for the provisions of water service.

(r) "Service line" means the line on the premises, installed and maintained by user, connecting the System to the premises.

(s) "Submerged inlet" means a water pipe or extension thereto from a public water supply termination in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminants and which is unprotected against backflow.

(t) "System" or "water distribution system" means the City water supply and distribution system.

(u) "Tap-on charge" means the charge imposed to defray the cost of making a water connection.

(v) "User" means the owner, lessee or occupant of any premises connected to or served by the System.

(w) "Water connection" means that part of the water distribution system connecting the system to the service line.

(x) "Water main" means the primary and intermediate transmission and local distribution lines of the water distribution system.

## **ARTICLE II CONNECTIONS**

**2.1 Water Connection Required** The owner of each house, building or property used for human occupancy, employment, recreation or other purposes (the "premises"), constructed subsequent to the existence of public water, situated within the City and abutting on any street, alley, or right-of-way in which there is located a water main or local distribution line of the System shall, provided said water main is within 200 feet of said premises, at owners expense (unless such expense is expressly provided by other sources) install suitable plumbing facilities therein and connect such facilities directly to the water distribution system.

**2.2 Connections** Applications for connections shall be made to the City on forms prescribed and furnished by it. Water connections, plumbing and water meters shall be installed in accordance with the specifications, rules and regulations of the City and upon payment of all charges established from time to time by the Commission. Water meters shall be installed by the City, unless otherwise provided by resolution of the Commission. All meters and water connections shall be the property of the City. Water service will not commence until payment in full for the installation has been made to the City. Construction of a water service line shall be done by, and at the expense of, the user, as expeditiously as possible after written notice to proceed, but the time for construction of the service line shall be at the convenience of the City.

**2.3 Institution of or Restarting Water Service** Written notice given not less than 48 hours in advance shall be made to the City by the property owner and/or occupant of the premises when water service is desired. It shall be unlawful for any person to connect to or use water supplied by the City without first giving notice as provided herein. The City reserves the right to require that an amount of money equal to anticipated bills for three months of water service be placed on deposit with the City for the purpose of establishing or maintaining any customer's credit. No person, other than an authorized employee of the City, shall turn on or off any water service, except that a licensed plumber may, with the prior express approval of the City, turn on water service for testing his work (when it must be turned off immediately following such testing) or upon receiving a written order from the City; provided, that upon written permit from the City, water may be turned on for construction purposes upon payment to the City of the charges applicable thereto.

**2.4 Meters** All premises using water shall be metered, except as otherwise provided herein. The City reserves the right to determine the size and type of meter used. Meters shall be installed in an accessible location approved by the City. The City reserves the right to install remote meter reading equipment.

**2.5 Access to Meters** The City shall have the right to shut off the supply of water to any premises where the City is not able to obtain access to the meter. Any qualified employee of the City shall, at all reasonable hours, have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing or inspecting the same and no person shall hinder, obstruct, or interfere with such employee in the lawful discharge of his duties in relation to the care and maintenance of such water meter.

**2.6 Injury to Facilities** No person, except an employee of the City in the performance of his duties, shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the water distribution system. The owner shall report to the City any theft or damage to the meter or any other structure, appurtenance or equipment which is a part of the water distribution system at once.

**2.7 Reimbursement for Damage** Any damage which a meter may sustain, including that resulting from carelessness of the owner, agent, tenant or others, or from neglect of either of them to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water, or steam backing from a boiler, shall be paid by the owner of the property to the City on presentation of a bill therefore; and in cases where the bill is not paid, the water may be shut off and shall not be turned on until all such charges have been paid.

**2.8 Responsibility for Damages** The City shall not be responsible for any damages because of failures of the System, or actions by the City to correct such failures.

**2.9 Water Leakage** It shall be the responsibility of the owner to repair any leaks in the service line within 72 hours of notice by the City or an additional fee shall be charged for estimated water loss. If a leak is not repaired, the water may be shut off until the leak is repaired.

**2.10 Hydrant Use** No person, except an employee of, or a person approved by the City in the performance of his duties, shall open or use any fire hydrant, except in case of emergency, without first securing a written permit from the City and paying such charges as may be prescribed by the City.

**2.11 Unlawful Connections** Unless by written approval of the City, no person shall make a connection on a service line between the water meter and the local distribution lines, or install a by-pass around the meter.

**2.12 Sale By Owner Unlawful** It shall be unlawful for any owner or user to sell water or to make any connection through which water may pass from one property or premises to another, even if the ownership of the property or premises is the same, except as approved in writing by the City.

**2.13 Cross-Connections Control Program for the City of Caspian** It shall be unlawful for any owner to install, and the City shall eliminate and prevent, all cross-connections, except as authorized by the City and approved by the Department of Public Health, pursuant to the requirements of Sections 325.11401 through 325.11407 of the 1979 Michigan Administrative Code, as the same may be amended from time to time.

(a) Introduction. In accordance with the requirements set forth by the Michigan Department of Environmental Quality (DEQ), the City of Caspian has officially adopted the State of Michigan cross connection control rule to protect the public water supply system. "Cross Connection" is defined as a connection or arrangement of piping or appurtenances through which a backflow could occur. "Backflow" means water of questionable quality, waste, or other contaminants entering a public water supply system due to a reversal of flow. The cross connection control program will take effect immediately upon approval of the DEQ.

(b) Inspections. The water superintendent and/or his designated agent shall be responsible for making the initial cross connection inspection and re-inspections to check for the presence of cross connections within the municipal water supply system. Individuals responsible for carrying out the cross connection inspections and re-inspections shall have obtained necessary training through any available manuals on cross connection prevention, including the Cross Connection Rules Manual as published by the DEQ and attendance at any cross connection training sessions sponsored by the DEQ or other recognized agencies.

(i) Known or suspected secondary water supply cross connections shall be inspected first (surface water, private wells and storage tanks, recirculated water, etc.).

(ii) Known or Suspected Submerged Inlet Cross Connections All suspected high hazard establishments, including all industrial, commercial and municipal buildings will be inspected first, typically within 6 months following the approval of this program. All other buildings and water system connections, including residential accounts, shall be inspected in a

logical sequence as time permits.

(iii) Re-inspection schedule In order to ensure against the hazards of cross connections, it will be necessary to periodically and systematically re-inspect for the presence of cross connections. The schedule for re-inspection shall be in accordance with the schedule as noted in the Cross Connection Rules Manual. Whenever it is suspected or known that modifications have taken place with piping systems serving a particular water customer, re-inspections of the premise will be made.

(iv) Protective Devices The methods to protect against hazards of cross connections as outlined in the Cross Connection Rules Manual will be incorporated in the cities cross connection control program.

(v) Compliance Time The time allowed for correction or elimination of any cross connections found shall be as follows:

A. Cross connections which pose an imminent extreme hazard shall be disconnected immediately and so maintained until necessary protective devices or modifications are made.

B. Other cross connections which do not pose an extreme hazard to the water supply system should be corrected as soon as possible. The length of time allowed for correction should be reasonable and may vary depending on the type of device necessary for protection. The water utility shall indicate to each customer the time period allowed for compliance.

(vi) Frequency of testing All testable backflow prevention assemblies shall be tested at the time of installation or relocation and after any repair. *In addition, all high hazard and reduced pressure principle backflow preventers shall be tested annually. All other assemblies shall be tested at least once every three years.* Records of test results shall be maintained by the water utility. Only individuals that hold a valid Michigan plumbing license and have successfully passed an approved backflow testing class shall perform such testing. Each tester shall also be approved by the City of Caspian. Individual(s) performing assembly testing shall certify the results of their testing.

(vii) Testing backflow prevention assemblies When all initial inspections have been completed, a comprehensive list of backflow preventors installed on customers plumbing systems will be on record. The backflow preventors that are testable assemblies shall be placed on a routine

testing schedule. Based on the associated degree of hazard and probability of backflow each assembly will be assigned a testing frequency. Assemblies in place on high hazard connections must be tested annually. All other accounts must be tested once every 3 years. In addition all assemblies must be tested immediately following installation and repair. Only individuals holding an active ASSE 5110 Certification (backflow prevention assembly testing) shall perform such testing. Upon notice from the City of Caspian it shall be the responsibility of the water customer to arrange for the assembly to be tested and submit the completed test form.

Following the initial cross connection inspections and subsequent classification of accounts (e.g. assigning a degree of hazard), assembly testing notices shall be sent to customers each year. The notices shall be sent out in a timely manner in order to provide adequate time for customers to comply, and the timing will consider seasonal assemblies. Template notices in Appendix A may be used to inform customers of testing requirements. These notices will:

- Clearly identify the assembly requiring testing (size, make, model, location, etc.)
- Stipulate the date by which the assembly must be tested.
- Indicate that testing must be completed by an ASSE Certified tester.
- Enclose a standard test form

When assembly testing reports are received by the utility, they will be checked for the following:

- All the necessary information was provided
- Name and identification number of the tester is provided
- The test results appear valid
- The assembly tested matches the assembly requiring testing (Make, Model, etc.)
- The assembly is ASSE certified

Cross connection control program staff will follow up with owner or tester on questionable test forms. A customer may be asked to have an

assembly re-tested if the original test results do not appear valid. Test forms must be received and kept on record for each required test.

The water utility shall maintain sufficient and accurate records of its local cross connection control program and report annually on the status of the program to the DEQ on a form provided by the department. All records will be retained for a minimum of 12 years.

(c) Right of Entry. A representative of the City shall have the right to enter at any reasonable time any property served by a connection to the water distribution system 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 City any pertinent information regarding the piping system or systems on such property. The refusal to provide such information or access to the property, when reasonably requested, shall be deemed evidence of the presence of cross-connections.

**2.14 Protection of Water Supply** The potable water supply made available on the premises served by the System shall be protected from possible contamination as specified by this ordinance and by the State of Michigan's and any other applicable plumbing codes. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the water distribution system must be labeled in a conspicuous manner as water unsafe for drinking.

**2.15 Discontinuance of Service** In the event a user of the System desires water service to be discontinued, said user shall so request in writing not less than 48 hours prior to the time such discontinuance of service is desired. The City will not recognize the discontinuance of water service unless the provisions of the foregoing sentence have been fully met. Under any other circumstances, discontinuance of service will be charged to the customer at the actual cost of labor, materials and equipment. The City may refuse or discontinue water service for any violation of any rule, regulation, or condition of service.

**2.16 Shut off of Water** The City reserves the right at all times (and will endeavor to give due notice) to shut off the water at the water mains or local distribution lines or to require reduced use or no use of the System for the purpose of making repairs or extensions or for other purposes. All persons having equipment on their premises and depending on water from the water mains or local distribution lines are hereby cautioned against damage which might arise from emergency shutting off of water. In the event of such emergency, the City may designate in any notice the extent of any regulation, limitation or prohibition and the date and time on which it shall take effect.

There shall be a charge of \$50.00 for shutting off the water supply and a further charge of \$50.00 for turning on the water for resumption of the water supply when required by a consumer. There shall be no charge to the consumer for shutting off or turning on the water supply for emergency or general maintenance of service lines when required by the consumer. In the event that any shutting off or turning on the water supply at any time required by a consumer is required to be done outside the regular working hours of the water and sewer department employees, including holidays and weekends, the consumer, in such event or events, shall pay, in addition to the said \$5 standard charge, all of the actual cost of such work in excess of \$5.00 for each shutting off or turning on the water supply.

**2.17 Additional Regulations** The Commission may make and issue additional rules and regulations concerning the water distribution system, connections thereto, meter installations and maintenance, connection and meter installation fees, hydrants and water mains and the appurtenances thereto, not inconsistent herewith.

**2.18 Other Laws** If any statutes of the State of Michigan shall impose greater restrictions than herein set forth, then such ordinances or statutes shall control.

### **ARTICLE III CONTROLLED USE**

**3.1 Limitation of Water Use** The Commission may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for firefighting. No such regulation, limitation or prohibition shall be effective until twenty-four (24) hours after the publication thereof in a newspaper of general circulation in the City, except in an emergency as may be determined by the Mayor of the City. In case of an emergency the regulation, limitation or prohibition shall be and take effect as indicated by the Mayor and notice shall be given on a local radio station. Any person violating such rule or regulation shall, upon conviction thereof, be punished as prescribed in this ordinance.

### **ARTICLE IV WATER RATES AND CHARGES**

**4.1 Applicability** The users of the System shall pay rates and charges as set forth in this section. The rates and charges shall be designed to produce revenues which are proportionate to the cost of providing water service to the users of the System. Such cost shall include but not be limited to the cost of the operation, maintenance, replacement, depreciation, administration and a rate of return on the System's investment. No free water service shall be furnished to any user of the System.

**4.2 Commodity Charge** A commodity charge shall be payable by every user of the System based on water consumption as determined by the meter installed on the premises.

The minimum monthly charge for water service provided by the system shall be \$19.31 for domestic and light and medium commercial users. This rate includes the service charge provided for in 4.3 hereof as to domestic and light commercial and medium commercial use. The monthly charge for water consumed over 5,000 gallons per month shall be \$3.00 per 1,000 gallons.

**4.3 Service Charge** A service charge shall be payable by every user of the System. The service charge shall be an amount based on the use of the premises, in accordance with Exhibit A, payable monthly, as follows:

| <u>Use</u>                      | <u>Monthly Service Charge</u> |
|---------------------------------|-------------------------------|
| Domestic                        | \$ 9.00                       |
| Light Commercial                | \$ 9.00                       |
| Medium Commercial               | \$ 9.00                       |
| Heavy Commercial/<br>Industrial | \$ 400.00                     |

If the use of the premises is not specifically set forth in Exhibit A, the Commission shall determine the monthly service charge based upon similar uses listed on Exhibit A.

Each residential unit in a multifamily building and each separate residential commercial or industrial use in the same structure shall be considered a separate user for payment of the service charge.

**4.4 Tap-on Charge** A tap-on charge of \$450.00, to defray the cost of making a water connection, shall be paid by the user at the time service is requested for water connections of up to one (1) inch in size. The tap-on charge for water connections larger than one (1) inch shall be determined by the Water Department based on actual costs of labor, equipment and material. For water connections larger than one (1) inch, a deposit of \$500.00 shall be paid at the time service is requested.

~~If pavement removal and replacement is required, an additional charge of \$150.00 shall be paid.~~

All costs and expense incidental to the installation and connection of the building's water line shall be borne by the "User", including but not limited to restoration of existing infrastructure and or improvements such as sidewalks, landscaping, roads and pavement to their existing or better condition and subject to the City's approval.

If the City does not perform the actual water line connection all contractors hired to perform the water line connection and installation by the "User" shall be approved by the city before construction begins.

The "User" or the person installing the building's water line for the "User" shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by said installation.

**4.5 Meter Installation Charge** A meter installation charge of \$75.00 shall be paid by the user at the time service is requested for meter sizes of 5/8" and 3/4". The meter installation charge for meters larger than 3/4" shall be determined by the Water Department based on actual costs of labor, equipment and material. For meter sizes larger than 3/4", a deposit of \$100.00 shall be paid at the time service is requested.

**4.6 Meter Test Charge** A meter test charge of \$25.00 shall be paid by the person requesting the meter test at the time of the request for meters 1" and smaller. For 1-1/2" meters, the charge shall be \$35.00. For 2" meters, the charge shall be \$50.00. For meters larger than 2", or for any size meter of the compound type, the meter test charge shall be determined by the Water Department based on the actual costs of labor, equipment and material. For meters larger than 2", or any meter of the compound type, a deposit of \$100.00 shall be paid at the time the test is requested.

**4.7 Connection Charge** The connection charge of \$300.00 per unit, based on the use of the premises as determined by and set forth on Exhibit A of this Ordinance, shall be paid by the user at the time service is request.

If the use or size of the premises is changed and the change results in an increase in the number of units determined for the premises, an additional connection charge of \$300.00 per unit shall be paid by the user prior to the use of the premises.

If the use of the premises is not specifically set forth in Exhibit A, the Commission shall determine the unit factor based upon similar uses listed on Exhibit A.

**4.8 Review of Rates and Charges** The Commission shall annually review the rates and charges. A report of the review of the System shall be prepared by the Water Department Director prior to April 1st, in each year, and presented to the Commission recommending rates and charges to assure that all costs of the System will be recovered from users of the System.

**4.9 Billing and penalties and Remedies for Non-Payment or Late Payment** The owner of the premises served by the System and the occupants thereof shall be jointly and severally liable for the water service provided to said premises. Tenants or land contract purchasers requesting water services in their name shall deposit with the City the estimated bill for three (3) months in advance of receiving service. Deposits shall be applied to any bill, including interest, for water service more than thirty (30) days delinquent. Any deposit, in the case of tenant, shall be returned, less any balance due,

when service is discontinued. In the case of land contract purchasers, the deposit shall be returned less any balance due when the service is discontinued or the purchaser obtains a deed for the premises.

Billing for the commodity charge shall be based upon the next whole 1,000-gallon increment. The commodity charge of \$3.50 shall be applied against each 1,000 gallons, or any portion thereof.

Bills for rates and charges as herein established shall be mailed to users monthly. All bills shall be payable on the 20th day of the month following the period of service and shall be payable to the City. If any bill shall not be paid as required, a late charge of ten percent (10%) of the amount billed shall be applied to the current amount past due and collected therewith. Penalty charges will not be compounded.

Water service may be discontinued to any premises to enforce the payment of rates and charges after the user has been given the opportunity for review by the Mayor or designated representative to show cause why service should not be discontinued. Services so discontinued shall not be restored until such time as all the rates, charges and penalties are paid or satisfactory arrangements made for the payments thereof.

Delinquent bills may be collected by any method authorized by the law including, without limitation, making such amounts due a lien on the premises served.

**4.10 Unpaid Charges** Any rates or charges remaining unpaid shall be charged against the real property on which the service was rendered, and may be spread on the next regular City and valorem property tax roll after the date on which such charge shall become due and payable, and shall become a lien of the same character and effect as the lien created by State of Michigan and City taxes, until paid.

**4.11 Failure of the System** There shall be no reduction in water rates or charges in case of failure of the supply of water regardless of the reason for the failure.

**4.12 Meter Accuracy** A user may require that the meter be tested by paying the meter test charge.

If the meter registers more than 3% over the actual flow, the meter will be repaired or replaced, the test charge will be refunded and the bill will be reduced.

If the meter registers from 5% under the actual flow to 3% over the actual flow, the meter is considered correct and no adjustments or refunds will be made.

If the meter registers more than 5% under the actual flow, the meter will be repaired or replaced and the bill will be adjusted based on estimated usage.

**4.13 Hydrant Rental** For water used through fire hydrants and for the availability of such water and for the general fire protection furnished the City and its inhabitants, the

City shall pay a charge of One Thousand Two Hundred Fifty Dollars (\$1,250.00) per month, from funds of the City or from the proceeds of taxes which the City, within constitutional and statutory limits, is hereby authorized and required to levy in an amount sufficient for that purpose or from the proceeds of special assessments.

## **ARTICLE V ENFORCEMENT**

**5.1 Penalties for Violation of Ordinance** Whoever violates or fails to comply with any provision of this ordinance shall be fined up to Five Hundred Dollars (\$500.00), imprisoned not more than ninety (90) days, or both. A separate offense shall be deemed committed for each day during which a violation or noncompliance occurs or continues. The City Manager may issue appearance citations for violations of this ordinance.

**5.2 Civil Action** The City may institute any action at law or equity to compel compliance with this ordinance or to collect amounts due under this ordinance. If such action is instituted the City shall recover the costs and expenses incurred to bring and maintain the action including, without limitation, actual reasonable attorneys' fees.

**5.3 Lien** All rates, fees and charges billed or due hereunder including those due pursuant to Section 6.2 hereof shall to the extent permitted by law by liens upon the premises served from the delivery of such service which shall be enforceable in the same manner as ad valorem property tax lien.

## **ARTICLE VI MISCELLANEOUS**

**6.1** The City Clerk shall publish this ordinance in a newspaper of general circulation in the City of Caspian, Iron County, Michigan.

**6.2** The City reserves the right to amend, revise, repeal or supplement this ordinance.

**6.3** Any ordinances or resolutions or parts of same conflicting with this ordinance are hereby repealed.

**6.4** Each section of this ordinance, and every paragraph of each section is hereby declared to be separable and the holding of any section or paragraph thereof to be void, ineffective or unconstitutional for any cause shall not affect any other section or part thereof.

**6.5** This ordinance supersedes in its entirety Ordinance No. 1-4 entitled "An Ordinance Establishing Rates and Providing for the Enforcement thereof for the use of Service of the Public Water System of the City of Caspian, Iron County, Michigan to Provide for the Connection of said System and to Provide for Other Matters Relative to said System".

Section 2.13

Amended: 9/11/19

Published: 9/25/19

Effective: 10/15/19

Section 4.4

Amended: 7/8/26

Published: 7/14/26

Effective: 8/4/26