

# CHAPTER 1044

## Water

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### CROSS REFERENCES

Power to regulate water - see CHTR. Secs. 150, 151  
 Water supply generally - see Mich. Const. Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 123.111 et seq., 486.51 et seq., 486.101 et seq.  
 Water quality - see M.C.L.A. Secs. 67.38, 323.1 et seq.  
 Water supply in home rule cities - see M.C.L.A. Secs. 117.4b, 117.4e, 117.4f, 117.35, 123.115  
 Special assessments for water mains - see ADM. 232.03  
 Water pollution - see S.U. & P.S. 1062.11  
 Ground-water protection and storm-water runoff control - see S.U. & P.S. Ch. 1068  
 Water in subdivisions - see P. & Z. 1248.06  
 Water for mobile homes - see B. & H. 1480.01  
 Water in rental dwellings - see B. & H. 1482.11(g)  
 Collection of water charges - see MSA 5.2531(1)

#### **1044.01 PURPOSE.**

The purpose of this Chapter is to provide for the protection of the public health, safety and welfare. The City finds that the use of wells and secondary water supplies from wells for the delivery or use of water may influence the movement of contaminated groundwater and constitute a potential public health risk. It is further recognized that protection of residents from consumption of groundwater containing hazardous substances or contaminants which may be injurious to human health may in certain cases be fostered by the adoption of restrictions regarding the installation and use of wells. The term “contamination” means groundwater contamination that exceeds residential drinking water criteria developed by the Michigan Department of Environmental Quality pursuant to Section 20120(a)(1)(a) of the Natural Resources Environmental Protection Act, 1994 Public Act 451, as amended, and its rules.

#### **1044.02 CONNECTIONS; PERMIT REQUIRED; FEE.**

(a) Permit required. No person shall connect a water service pipe to the City water distribution system without first obtaining a permit. An application shall be made to the City Treasurer's Office and shall contain the legal description or parcel code number of

the premises to be served, the size of the service desired and such other pertinent data as may be required by the City Treasurer.

- (b) Fee. Connections to the distribution mains shall be installed only by the City for a fee as established by resolution of the City Commission.
- (c) Costs included in fee. The connection permit fee shall include the costs of excavation and backfill, making the tap, furnishing and installing a service pipe from the main to a point between the curb and the sidewalk within the public right-of-way and furnishing and installing the service box and curb stop.
- (d) Reasons for not granting permit. A connection permit shall not be granted if the application is incomplete, or if, in the judgment of the City Manager, the making of the connection will endanger the mains due to frost, excess usage withdrawal rates, potential cross connections, or for any other cause.

**1044.03 SERVICE PIPES.**

- (a) Water Service Material. Water service pipe used in connecting to the City water system shall be copper tube, Type K Soft, no larger than two inches in diameter and shall meet all American Society for Testing and Materials standards and the following specifications:

Pipe Size (in)	Outside Diameter (in)	Wall Thickness (in)	Inside Diameter (in)	Weight (lbs/ft)
¾	.875	.065	.745	.641
1	1.125	.065	.995	.839
1 ½	1.625	.072	1.481	1.36
2	2.125	.083	1.959	2.06

- (b) Depth. The minimum depth of cover for service lines shall be five feet below the surface of the ground or established street grade, whichever is lower.
- (c) Frost. No service line shall be laid inside a building along an outside wall or in any position where there is danger of the service line freezing.
- (d) Valves. Every service line shall be furnished with a valve both on the influent side and the effluent side of the meter.
- (e) Location. A water line laid in the same trench with a sewer line shall be installed in accordance with the Michigan Plumbing Code, as amended.

**1044.04 SUPPLY AND DISTRIBUTION.**

- (a) Connection requirements. Every connection to a water main for a potable water supply shall include a corporation or tapping sleeve at the main, a shut off valve and curb box or valve manhole on the public side of the property line, and a meter approved by the Water Maintenance Division with appropriate prescribed valving.
- (b) Meter required. No water connection shall be made prior to the installation of a meter.
- (c) Separate service line; fire line; access. Each building to be served with City water shall have a separate service line and connection to the public water main. When a building is served by a two inch or greater fire suppression line, a domestic water service for that building may be tapped off this fire line, provided the City is granted acceptable access and control to turn on or to turn off such domestic service, as the City may deem

necessary. Failure of the business to provide acceptable access to City personnel may require, upon written notification to the owner of the business served, the termination of availability of City water for fire suppression purposes. The location of the post indicator valve shall be approved by the Fire Marshall and the potable water supply shall be protected against contamination as outlined in the American Water Works Association Manual M-14, as amended, and as required by the Michigan Department of Health and the State Plumbing Code, as amended.

**1044.05 INSPECTIONS**

All work performed in making additions, connections, repairs, extensions or alterations to any fixture connected to the water distribution system from the point on the system designated by the State Plumbing Code including connection to the curb stop valve shall be subject to inspection by the Plumbing Inspector who may order any part of such work discontinued or changed to comply with the rules and regulations of the State Plumbing Code or this chapter.

**1044.06 OWNERSHIP AND MAINTENANCE OF CONNECTIONS.**

Ownership and maintenance of the street portion of the water service, including the corporation, tapping sleeve, curb stop, service box, valves, valve manhole and service pipe, is vested in the City.

**1044.07 APPLICATION FOR SERVICE.**

A person may apply for and be granted the use of water if application is made in writing at the City Treasurer's office on such forms as shall be prescribed.

**1044.08 RESPONSIBILITY FOR MAINTENANCE**

- (a) Maintenance Required. Every person having service from the City water distribution system shall, at his or her own cost and expense, keep in repair that portion of the service between the service box and the meter, the inlet and outlet meter valving and bypass connection. If the service is permitted to remain out of repair, the Water Maintenance Division may shut off the water.
- (b) Fire Suppression Maintenance. All fire suppression systems which were installed in compliance with any law or order shall be maintained in an operative condition at all times. The Fire Marshal shall be notified before disconnection, interruption of protection, when test, repairs, alterations or additions are started and upon completion of such work. When booster pumps are approved for installation in areas of marginal low volume and residual system pressure, a pressure sustaining control valve on the discharge side of the pump, preset to a minimum suction pressure to throttle the discharge of volume, or a low pressure cutoff valve set at 10 PSI to control the pump's suction pressure, shall be installed to prevent damage to the public distribution system.

**1044.09 METERS GENERALLY**

- (a) Required. All connections to the water mains, with the exception of fire hydrants and automatic fire suppression systems, shall require the water to pass through a meter. No water shall be supplied to any property unless the water is measured by a water meter of a size and design approved and installed by the City. The City shall not furnish meters larger than the City Manager deems necessary.

- (b) Exceptions. Water for automatic fire suppression systems shall be furnished at the rates set forth by resolution of the City Commission. No person shall use any water from the automatic fire suppression system except in case of fire. An approved control valve for all automatic fire suppression systems shall be located so as to be readily accessible to the Fire Department in accordance with National FPA standards.
- (c) Non-Domestic Meter. Meters used to measure water that is not returned in the sanitary sewer system (such as lawn irrigation or cooling system meters) are termed non-domestic meters. Non-domestic meter installations shall be installed with proper backflow protection through a separate tap placed in the water line after the regular service meter.
- (d) Placement. The meter for the water supply shall be located in a clean, dry and sanitary place inside the building as close as practical to the outside wall of the building being served. It shall be readily accessible, no more than four feet above the floor and capable of being reached quickly requiring no removal of obstacles or the use of ladders for inspection, maintenance or operation. Actual installation of the meter shall be done by the City when a City-approved location has been provided by the property owner at his or her own expense. All metered water lines in excess of one inch in diameter, hereafter installed, shall be provided with a bypass around the meter, plumbed and valved so as to allow removal of the meter for testing, repair or replacement without disrupting the service to the premises. All bypass valves shall be sealed except when used in meter work.
- (e) Maintenance. The City shall maintain all meters, meter horns, wiring and meter reading accessories and make all necessary replacements caused by wear and tear through normal usage. The consumer shall be held responsible for care and protection of the meter from freezing or damage by hot water and from damage by any person. Any damage which may occur to any water meter, wiring or outside service register (OSR) shall be paid for by the consumer upon presentation of a statement of damages.
- (f) Testing. The accuracy of the meter on any premises shall be tested by the City upon written request of the owner accompanied by a fee determined by resolution of the City Commission. If, on such test, the meter is found to register greater than three percent more water than actually passes through it, another meter shall be substituted therefor, the fee shall be refunded to the owner and the water bill for the previous 12 months may be adjusted by the City Treasurer. If, on such test, the meter is found to register less than or equal to a three percent variance, the fee shall not be refunded.
- (g) New Construction. All new building construction which is proposed to have water service and building construction which significantly alters a meter location shall be prewired in a neat and workmanlike manner with an acceptable conduit providing for an outside service register (OSR), at the expense of the building owner and at no cost to the City, except that wire shall be supplied by the City. If there is a failure to provide prewiring or acceptable conduit for an OSR, the City may so provide on a time and material cost basis to the building owner. The wire shall be UL approved, 3 conductor, 18 gauge, Class 2 cable run from the inside water meter location to a location outside the building next to the electrical meter.

**1044.10 READING OF METERS.**

- (a) Statements. The City shall cause all meters to be read periodically and shall render statements for the amounts due as shown by the reading. Statements shall be payable as

determined by this chapter, but in no event shall failure to receive a statement excuse any consumer for nonpayment.

- (b) Estimates. If a meter reading does not appear to be consistent or if the meter has ceased to register, the amount of water charged for shall be an amount estimated by the City Treasurer. In making such an estimate, previous quantities of water used at that location shall be used as a basis for the estimate. The estimate shall be retroactive for a maximum period of twelve months. Special conditions such as leaky fixtures or an abnormal demand for water may also be considered. When it appears that an abnormal use of water has resulted from leakage or carelessness on the part of the consumer, no deduction shall be made therefor.

#### **1044.11 ACCESS FOR INSPECTIONS**

- (a) Meter accessibility. The City shall have access to the meter and to all water plumbing fixtures at any reasonable hour for the purpose of inspecting the meter or any other plumbing used in connection with the water supply system. No such meter or auxiliary equipment shall be covered or fenced in such a way as to be inaccessible. Meters installed in new construction and as a result of major plumbing renovation of a building shall be readily accessible, that is, capable of being reached quickly requiring no removal of obstacles, locks or the use of ladders for inspection, maintenance or operation.
- (b) Failure to allow access. If a person fails to allow access to the water meter for service, after reasonable notice, the City may cause the water supply to be turned off until arrangements for access to the meter are made.

#### **1044.12 USE OF HYDRANTS**

- (a) Permit Required. Except for the City, no person shall draw water from any hydrant or any other public connection with the water supply system without first obtaining a permit. A permit to use a hydrant may be granted by the City Treasurer only for specific hydrants, at specific times and for specific work.
- (b) Deposits. Persons desiring service from a fire hydrant shall place on deposit an amount equal to the value of the size meter desired. This sum shall be held until all charges incurred have been fully paid and all City equipment has been returned in acceptable condition. The cost of water registered on the meter during its use shall be charged at prevailing rates with a minimum monthly rental on meters. The City may use any portion of such deposit to repair or replace any equipment damaged through negligence by the consumer or by reason of the use thereof.
- (c) Meter. Before drawing water from a hydrant is permitted, the discharge port shall be fitted with a valve, vacuum breaker, and meter under the direction of the City.

(Ord. 830. Passed 5-4-09.)

#### **1044.13 CROSS CONNECTIONS PROHIBITED.**

- (a) Prohibited. No person shall make or maintain any cross connection between the municipal water supply system and another public or private water supply.
- (b) State rules adopted. The City hereby adopts by reference the water supply cross connection rules of the Michigan Department of Public Health, being R325.11401 to R325.11407 of the Michigan Administrative Code, as amended.
- (c) Inspections.

- (1) The City shall inspect all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on the potential health hazards involved shall be as established by the City Manager and as approved by the Michigan Department of Public Health.
- (2) A representative of the City may 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 thereof for cross connections. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system of such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.
- (d) Service discontinuance; precautionary measures. The City shall discontinue water service to any property where any connection in violation of this chapter exists. The City may 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 has been eliminated in compliance with this chapter.
- (e) Contamination protection; labeling. A person connected to the City water supply shall insure that on their property the public water supply is protected from possible contamination as specified by this chapter and by the State Plumbing Code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system shall be labeled in a conspicuous manner as "WATER UNSAFE FOR DRINKING".

**1044.14 PRIVATE WELLS.**

- (a) Defined; exceptions. A private well is defined as an opening in the surface of earth for the purpose of removing water through mechanical or non-mechanical means for any purpose except construction site dewatering or conducting response activity, including sampling or treatment of the groundwater, under a plan approved by the Michigan Department of Environmental Quality. These exceptions apply only when all necessary permits have been obtained for the well in question.
- (b) Prohibitions; permits. No person shall install a private well, without first obtaining a permit from the City Director of Public Services. No permit for a private well shall be issued where City water is available within 200 feet of the property. If municipal water service is unavailable within 200 feet of any developable parcel, a private well may be permitted if the well water is tested annually and approved for human consumption by the Michigan Department of Environmental Quality, Drinking Water and Radiological Protection Division or the County Health Department and if written proof of such annual approval is delivered to the City Director of Public Services.
- (c) Temporary use. A well meeting the above criteria may be used temporarily for water until the City water service is available within 200 feet of the property, at which time the well shall be properly capped and abandoned and proper hook-up to the City water system shall be required. The cost of proper abandonment of a well that was temporarily allowed under this section and proper hookup to the city water system shall be the owner's responsibility.

- (d) Property split or conveyance. No split or conveyance of any property shall be effective to render City water service unavailable.
- (e) Modification notice. At least 30 days prior to adopting a modification of this section or 30 days prior to the lapsing or revocation of this section, the City shall notify the Director of the Michigan Department of Environmental Quality by registered mail.

**1044.15 TAMPERING.**

Unless authorized by the City, no person shall tap any pipe, open or close any hydrant, valve or stopcock or interfere in any manner or tamper with any part of the public waterworks system, or use water which does not pass through a meter, except as provided herein. No person shall interfere with or remove a meter from any service connection. No person shall break, remove or tamper with any seal, wires or outside service registers. No person shall place in use any device which allows water to be used which does not pass through a meter. A person shall pay all costs and damages resulting from such unlawful interference or tampering with the system. A person violating this section is guilty of a misdemeanor.

**1044.16 RATES AND CHARGES.**

- (a) Fixing of Rates. The City Commission shall by resolution establish reasonable rates and such other charges for supplying water.
- (b) Due Date. Water use charges shall be payable quarterly or monthly at the discretion of the City Commission, and shall be due as indicated on the statement for the period during which billing is made, unless otherwise provided.
- (c) Connection Fees. Charges for water service connections to the City's water distribution system shall be determined from time to time by resolution of the City Commission. Sizes larger than one inch are charged on a time and material basis. For the extension of water service to a franchised area outside the City, the person requesting service shall be required to pay the cost of the installation of the water main extension, monthly rates for service and the fee for water connection as established by resolution of the City Commission.
- (d) Customers who have a separate irrigation meter will be invoiced monthly from May 1 through October 31. The final irrigation read will be the date of the last bill that has a reading date of October 31 or before. Any used water subsequent to the read date will be invoiced with the next read date, the subsequent year. A customer may annually request different activation and deactivation dates than prescribed in the ordinance. The first read date after activation and the last read date before activation will be used for meter readings and a "paper turn on and off" fee established through resolution will be charged.
- (e) M-22 Connection Area. In addition to other established fees, connection to or obtaining potable water from the City's water main, as constructed along M-22 during the 1990 construction season, shall have a connection fee at the rate of one thousand eight hundred ninety dollars (\$1,890) for all parcels with 100 feet or less footage abutting M-22, and at the rate of one thousand eight hundred ninety dollars (\$1,890) plus eighteen dollars and ninety cents (\$18.90) for each foot in excess of 100 feet with footage of more than 100 feet abutting M-22. This connection fee shall be in lieu of a special assessment for that water main, which is more fully described in engineering plans on file with the City Engineer. Parcels of land, estimates of footage and connection fees, for which this subsection shall apply, are designated as of March, 1991, as follows:

WATER

City Tax Number	Footage (ft)	Connection Fee
145-00	125.0	\$ 2,326.50
140-00	85.0	\$ 1,890.00
139-00	325	\$ 6,142.00
136-10	106.25	\$ 2,008.13
137-00	156.8	\$ 2,963.52
136-00	189.0	\$3,572.10
132-00	138.6	\$ 2,619.54
131-00	69.3	\$ 1,890.00
130-00	66.0	\$ 1,890.00
112-00	79.76	\$ 1,890.00
124-00	123.9	\$ 2,341.71
126-00	99.4	\$ 1,890.00

Other parcels as may be approved by the Water Maintenance Division not listed above may connect service leads to this water main at the rates herein stated above, plus interest, at a cost as may be determined by the City Treasurer. The connection charge for such parcels not listed shall be in addition to normal tap and service lead installation fees as may be established by the City Commission from time to time. Payment of the fee may be made in full at the time of connection or may be based on ten equal installments, with an annual interest rate of six percent on the unpaid balance. The ten-year installment payment period shall commence on July 1, 1991, and end on July 1, 2001. For connections after July 1, 1991, the initial installment at the time of connection shall be equal to all installment payments, including interest that would have been paid if payments had commenced on July 1, 1991. In any event the maximum accrued interest shall be ten years' worth.

The City Clerk is directed to mail notice to the owners of record of the above affected property as the City's property tax records so indicate.

- (f) M-72 Connection Area. In addition to other established fees, connections to or obtaining potable water from the City's water main, as constructed along M-72 during the 1994 construction season, shall have a connection charge at the rate of two thousand one hundred seventy four dollars (\$2,174) for all parcels in the City and three thousand nine hundred ninety nine dollars (\$3,999) for all parcels in Garfield Township with 100 feet or less footage abutting M-72. The connection charge shall be at a rate of two thousand one hundred seventy four dollars (\$2,174), plus twenty one dollars and seventy four cents (\$21.74) for each foot in excess of 100 feet with footage of more than 100 feet abutting M-72 for all parcels in the City, and three thousand nine hundred ninety nine dollars (\$3,999), plus thirty nine dollars and ninety nine cents (\$39.99) for each foot in excess of 100 feet with footage of more than 100 feet abutting M-72 for all parcels in Garfield Township. This connection charge shall be in lieu of a special assessment for that water main, which is more fully described in engineering plans on file in the office of the City Engineer. Parcels of land, estimate of footage and connection charges, for which this subsection shall apply, are designated as of October, 1994 as follows:

WATER

<b>City Tax Number</b>	<b>Footage</b>	<b>Connection Fee</b>
45-051-033-058-00	174	\$ 3,782.76
45-051-033-063-00	75	\$ 2,174.00
45-051-033-057-00	88.2	\$ 2,174.00
45-051-033-056-00	186	\$ 4,043.64
45-051-033-055-00	175	\$ 3,804.50
45-051-033-044-00	108	\$ 2,347.92
45-051-033-043-00	150	\$ 3,261.00
45-051-033-050-00	88.72	\$ 2,174.00
45-051-033-049-00	88.6	\$ 2,174.00
45-051-033-048-00	58.76	\$ 2,174.00
45-051-033-047-00	114.88	\$ 2,497.49
45-051-033-052-00	55	\$ 2,174.00
45-051-033-053-00	55	\$ 2,174.00
45-051-033-046-00	54.76	\$ 2,174.00
45-051-033-045-00	89.5	\$ 2,174.00

<b>Garfield Twp. Tax Number</b>	<b>Footage</b>	<b>Connection Fee</b>
28-05-004-015-00	75	\$ 3,999.00
28-05-004-014-00	75	\$ 3,999.00
28-05-004-013-00	75	\$ 3,999.00

Other parcels as may be approved by the Water Maintenance Division not listed above may connect service leads to this water main at the rates herein stated above, plus interest, at a cost as may be determined by the City Treasurer. The connection charge for such parcels not listed shall be in addition to normal tap and service lead installation fees as may be established by the City Commission from time to time.

Payment of the charges for property within the City may be made in full at the time of connection or may be based on ten (10) equal installments, with an annual interest rate of six (6) percent on the unpaid balance. The ten-year installment payment period shall commence on July 1, 1995, and end on June 30, 2005. For all connections after July 1, 1995, the initial payment at the time of connection shall be equal to all installment payments including interest, that would have been paid if payments had commenced on July 1, 1995. In any event, the maximum accrued interest shall be ten years' worth.

Payment of this connection charge for property within Garfield Township shall be made in full, prior to the time of connection. Beginning July 1, 1995, the connection charges listed shall be increased at a rate of six (6) percent per annum, simple interest, for a period of ten (10) years, as may be determined by the City Treasurer.

The City Clerk is directed to mail notice to the owners of records of the above affected property as the City's property tax records so indicate.

(Ord. 973. Passed 7-1-13)

**1044.17      COLLECTION OF UNPAID CHARGES.**

- (a) Lien. In addition to other remedies possessed by the City for the collection of water service charges connection fees and other similar charges, the City shall have a lien upon the premises to which such water has been supplied. Such lien shall become effective immediately upon the distribution of water to the premises, and the official records of the City shall constitute notice of the pendency of such lien. Such lien shall have priority over all other liens, except taxes and special assessments, even where such other liens accrued or were recorded prior to the lien herein created.
- (b) Exception. In all cases when a tenant is responsible for the payment of any such rates and other fees or charges under a legally executed lease containing a provision that the lessor shall not be liable for the payment of rates and other fees or charges for water service and the City Treasurer is so notified in writing by the owner, then no such rates and other fees or charges shall become a lien against the premises occupied by the tenant from and after the date of such notice. Such notice shall be in the form of an affidavit with respect to the execution of such lease and shall set forth the expiration date thereof. Twenty (20) days' notice shall be given the City Treasurer by the lessor of any cancellation, change in, or termination of such lease. Failure to give such twenty days' notice shall reinstate such lien for rates and other fees or charges, for water service furnished to such premises by the City on and after the date of such cancellation, change in, or termination, until a new notice is filed as above required. Each such notice shall be accompanied by a true copy of the lease executed between the lessor and the lessee.
- (c) Guarantee Deposits Required Where No Lien Exists. In each case where such a notice has been filed with the City by any lessor, the lessee shall deposit with the Treasurer a guarantee deposit before water may be turned on in, or continued to, the premises specified in such notice. Such guarantee deposit shall be in a sum estimated by the City Treasurer to be the rates and other charges to the premises affected equal to any two billing periods and shall be held by the City to hold the City harmless in the event of delinquency in paying rates and other charges for water service and any damages to service pipe, service cock, stop box and water meters used in extending such services to the premises. Whenever any customer shall have promptly paid for rates and other charges for such services for two years and has otherwise established satisfactory credit the City therefor, the Treasurer may refund the guarantee deposit, without interest.
- (d) Notice of Nonpayment. All unpaid water charges which, upon April 1 of each year, have remained unpaid for three months or more shall be reported by the City Manager to the City Commission at its first meeting in April. The City Commission shall thereupon order the publication, in a newspaper published in the City, of notice to all owners of property that all unpaid water charges which have remained unpaid for three months or more, as of April 1, and which have not been paid by April 30, shall be transferred to the City tax roll assessed against the property upon which the water was used, to be collected in the same manner as the lien created by City taxes on the tax roll. If the charges remain delinquent and unpaid after the expiration of the time limited in the warrant for the collection of taxes, such charges shall be returned to the County Treasurer to be collected in the same manner as the delinquent tax roll of the City.
- (e) Spread of Rates and Charges on Tax Roll. On or before the tenth day of May, the City official in charge of the collection of rates and other fees or charges for water service shall certify to the Assessor a list of all such rates and other charges remaining unpaid,

whereupon the Assessor shall enter such unpaid rates and other charges upon the tax roll against such premises in a column designated therefor.

- (f) Discontinuance of Service. The City Treasurer may discontinue water service from any premises because of the nonpayment of rates or other fees or charges for period of thirty (30) days after the due date. Service shall not be recommenced, until application therefor is made to the City in the same manner as that of a new customer, except that all delinquent rates and other fees or charges shall be paid or provisions satisfactory to the City Treasurer.
- (g) Suit for Delinquent Rates and Other Charges. In addition to the lien procedure, the City may institute suit for any delinquent rates and other fees or charges for water service in any court of competent jurisdiction within six years of delinquency. Suit may be instituted against any person receiving or benefitting from such service.
- (h) Continuance of Lien. Litigation to enforce the payment of any such rates, fees and other charges shall not invalidate or constitute a waiver of the lien created by this Code and the same shall stand until payment thereof is made in full.

**1044.99 PENALTY.**

Where practicable, a person who violates this chapter shall be served a written notice stating the nature of the violation and providing a reasonable time not exceeding 60 days for the satisfactory correction of said violation, except any well in violation of this Chapter shall be declared and deemed a nuisance, subject to abatement, and shall be immediately taken out of service and lawfully abandoned. Unless otherwise provided in this chapter, a person who continues the violation beyond the time limit provided is responsible for a civil infraction. Each day in which such violation continues shall be deemed a separate offense. In addition, the City may seek injunctive relief to restrain any person from violating this chapter, including the collection of costs and attorney fees associated with such enforcement action.