

DEFINITIONS

Section 1 – Definitions; As use in this Ordinance,

- (a) “Building Pipe” means that part of the owner’s plumbing system which receives water from the service pipe, beginning immediately after the curb stop usually in the general area of the owner’s property line.
- (b) “Construction site dewatering” means temporary removal of ground water from an excavating site.
- (c) “Corporation Stopcock” means a shut-off valve installed in the water main immediately preceding where a service pipe connects to the water main.
- (d) “Curb Stop” a service line valve located at the end of the service pipe used to control the water supply from the service pipe to the building pipe generally located in the area of the curb, sidewalk and property line.
- (e) “Meter” or “Water Meter” means an instrument that automatically measures and registers the quantity of water consumed on a parcel of land served by the waterworks system.
- (f) “Owner” means the person holding the legal or equitable title to real property or a lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee or any other person, firm or corporation directly or indirectly in control of a building, structure or real property or his duly authorized agent.
- (g) “Person” means an individual, firm, trust, partnership, company, association, society, corporation, limited liability company, or other legal entity.
- (h) “Service Area” means any land in the Village which is serviced by the waterworks system.

- (i) "Service Pipe" means the pipe delivering water from the water main to the building pipe.
- (j) "Tenant" means a person who leases property from an owner.
- (k) "Village" means the Village of Empire, Michigan.
- (l) "Water Main" means a pipe owned or controlled by the Village located within a street right-of-way or other public easement used to carry water within the waterworks system to the service pipe for delivery to the water customer.
- (m) "Water Use Charge" means the fees billed to all customers attached to the waterworks system for support of the costs of the waterworks system. The water use charges supply funds to cover the costs of operation and maintenance, debt service, replacement and administrative services.
- (n) "Waterworks System" means all wells, pumps, facilities, water mains, service pipes, and other equipment owned by or under the jurisdiction of the Village for the collection, storage, purification and distribution of water.
- (o) "Water well" means a hole drilled or bored into the earth for the purpose of removing water through mechanical or mechanical means.

ARTICLE II

USE OF WATER WORKS REQUIRED

Section 1 – Private Water Wells Prohibited: Except as hereinafter provided, it shall be unlawful for an owner, occupant, or tenant of property to drill or maintain a private water well within the Village.

Section 2 – Permitted Water Wells: The following water wells are permitted within the Village, under the terms and conditions specified:

- (a) A water well used solely for the purpose of construction site dewatering or for conducting response activities, including sampling or treatment of the groundwater, under a plan approved and permits issued by the Michigan Environmental, Great Lakes and Energy Department.
- (b) A water well lawfully in existence at the time of the enactment of this ordinance, provided, however, the size of such water well will not be expanded.
- (c) A water well for a house or other building that is new construction, when a water main is not located within 200 feet, provided that the water from the water well is tested and approved for human consumption by the Michigan Department of Environmental, Great Lakes and Energy, or the county health department.

Section 3 – Connection to Village water Service Required: Except for existing water wells permitted under Section 3.b above, where a house or other building used for human occupancy, employment, recreation, or other purposes is situated on a lot within the Village which lot abuts any street, alley, or right-of-way in which there is located a water main which is within 200 feet of said house or other building, the owner of said house or other building is hereby required at his or her expense to install suitable plumbing facilities therein, in accordance with the plumbing codes then in effect and enforced within the Village, and to connect such facilities directly with the Village water service in accordance with the requirements of Village Ordinance No. . For water wells permitted under

Section 3.c above, in noncompliance, the owner shall connect to the Village water service within 90 days after receiving a notice to connect from the Village.

ARTICLE III

CONNECTION TO WATERWORKS SYSTEM

Section 1 – Unlawful Procedure: It shall be unlawful for any unauthorized person or owner to uncover, excavate, tap into, make connections with or openings into, use, alter, or disturb any water main or service pipe or appurtenance thereof in any street, lane, or alley within the service area without first obtaining a written approval from the Village as herein provided.

Section 2-Authorization: All connections with any water main or service pipe in the service area shall be made only pursuant to written application approved by the Village. The owner or his agent shall make application on a special form furnished by the Village. The Village Council by separate resolution provide for application and inspection fees which shall be paid to the Village at the time the application is filed.

Section 3 – Costs: All costs and expenses incurred as the result of the connection to the service pipe shall be borne by the owner of the property. The owner shall indemnify the Village from all loss or damage that may be caused by connection to the service.

Section 4 – Plans and Specifications:

- (a) COMMERCIAL applicants to connect to the waterworks system shall, submit plans indicating where the building pipe will extend from the building receiving water service to where it will connect to the service pipe. The approval of a connection application shall be contingent upon the availability of capacity of the waterworks system. When such plans have been approved by the Department of Public Works Superintendent, the Village shall issue approval of a waterworks connection, subject to final inspection and approval when construction is completed.

- (b) Before the approval of a waterworks application, the Department of Public Works Superintendent may require the applicant to submit a schedule for the construction of the waterworks connection outlining when various components of the project will be completed. If the Department of Public

Works Superintendent requires such a construction schedule, the timetable outlined in the schedule shall be maintained as a condition of the continued validity of the application, unless extensions are granted in writing by the Department of Public Works Superintendent for good cause of show.

- (c) Final approval shall be subject to compliance with the local and state plumbing codes and all orders, rules and regulations of the Leelanau County and Michigan Department of Environmental, Great Lakes and Energy.

Section 5 – Connection Requirements:

- (a) All connections to a water main shall be made with service pipes either installed by employees of the Department of Public Works or by a contractor hired by the owner with the written consent of the Department of Public Works Superintendent. Any service pipe installed by a contractor authorized under the Department of Public Works Superintendent. All work for the purpose of making connections to a water main shall be done in compliance with the rules, regulations and codes governing plumbing in the Village and in accordance with the laws of Michigan thereto.
- (b) The cost of all service pipes three-fourths (3/4") inch in diameter or less shall be borne by the Village. If an owner desires a service pipe larger than three-fourths (3/4") inch in diameter, the owner shall contract out for residential services with a Village approved contractor.
- (c) A separate and independent service pipe shall be provided for every building receiving water service; provided, however, where water service is intended to supply more than one building under the same ownership and on the same lot, the service pipe to one building may be used to provide water service to the other building(s) and the whole considered one connection.
- (d) All structures shall be independently metered and all independent units within a subdivided structure shall be independently metered. A structure meter may be waived by the Village when separate independent meters will be used in a single divided structure with two or more units. Multiple units

or buildings on a single parcel may be connected to the waterworks system by a single connection if approved by the Village; however, each unit or structure shall be considered a separate tap in the system.

- (e) The size, slope, alignment, and materials of construction for a service pipe, and the methods to be used in excavating the trench, placing, jointing, and testing the pipe, and backfilling the trench shall all conform to the requirements of this Ordinance and the local and state plumbing codes.

Section 6 – Water Supply Cross Connection:

- (a) The Village adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental, Great Lakes, and Energy being R325.11401 to R325.11407 of the Michigan Administrative Code.
- (b) That it shall be the duty of the Village Department of Public Works to cause inspections to be made of all properties serviced by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Village Department of Public Works and as approved by the Michigan Department of Environmental, Great Lakes, and Energy.
- (c) That the representative of the Village Department of Public Works shall have the right to enter at any reasonable time any property serviced by a connection to the public water supply system of the Village for the purpose of inspecting the piping system or systems thereof for cross connections. On request the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested shall be deemed evidence of the presence of cross connection.

- (d) That the Village is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this Ordinance exists and to take such other immediate precautionary measures deemed necessary to eliminate any danger or 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.
- (e) That all testable backflow prevention assemblies shall be tested at the time of installation or relocation and after any repair. Subsequent testing of devices shall be conducted at a time interval specified by the Village and in accordance with the Michigan Department of Environmental, Great Lakes, and Energy requirements. Only individuals that hold a valid ASSE Standard 5110 certification shall perform such testing. Individual(s) performing assembly testing shall certify the results of his/her testing and provide a copy to the Village.

Section 7 – Installation of Meters Required: All new buildings connected to the waterworks system shall be equipped with meters capable of being read by employees of the Department of Public Works from outside the building. The Department of Public Works has right of entry with notification to the owner for maintenance purposes.

Section 8 – Connections for purposes of Fire Protection: The owner or occupant of any manufacturing establishment, warehouse, elevator, store, hotel, or any public building desiring to install large pipes with hydrant and hose couplings to be used only in case of fire may connect to a water main under the terms and conditions of this Article and after obtaining approval from the Village.

Section 9 – Inspection: When an authorized contractor installs the service pipe under Section 5(a) of this Article, the person to whom a waterworks connection approval was issued shall notify the Department of Public Works when the service pipe is ready for inspection. In addition, the person to whom the waterworks connection approval was

issued shall notify the Department of Public Works when installed water meter is ready for inspection. The Department of Public Works Superintendent shall then inspect the service pipe and/or water meter and if such installations meet the requirements of this Ordinance, the excavation may be backfilled.

Section 10 – New Use of Existing Service Pipes: Existing service pipes may be used in connection with new buildings only when they are found, by the Department of Public Works Superintendent to meet all requirements of the Ordinance.

Section 11 – Maintenance:

(a). The owner of property connected to the waterworks system is responsible for the maintenance of the building pipe. The cost of all repairs, maintenance and replacements of existing building pipes and their connection to the service pipes shall be borne by the property owner. Before making any repairs or replacements or conducting any maintenance on the building pipe, the owner shall contact the Department of Public Works Superintendent. All work performed, including the qualifications of the person performing the work, shall fully comply with the requirements of this Ordinance.

(b). No person or company shall enter or complete any maintenance or repair of existing service pipes until the Village has first inspected the site and determined the maintenance or repair is justified or necessary. Unless otherwise instructed, only the Village is authorized to complete any and all repairs or maintenance to the service pipes of the waterworks system.

Section 12 – Excavation of Public Streets and Alleys:

(a). Whenever any excavating is required in any of the streets, lanes or alleys of the service area for the purpose of connecting or repairing to

the waterworks system, approval of such excavation shall be obtained from the Department of Public Works.

(b). All expenses for work done by the employees of the Department of Public Works shall be borne by the person to whom the excavation approval was given. Applications for excavations in paved streets shall state the maximum size of the opening to be made in the pavement and the length of time desired to do such work.

Section 13 – Backfill Requirements: When connection to the waterworks system made in any street or alley, the earth and other debris excavated for this purpose shall be removed from the street or alley and the trench backfilled with sand or gravel in layers not to exceed eight inches in thickness. Each layer shall be thoroughly and solidly packed in place. The backfill shall be finished to the same grade as the original surface. Where the existing roadway is cindered or graveled, the final eight inches of the backfill shall be made with gravel. Where the existing roadway is paved, the person charged with the duty of backfilling shall re-pave the trench to the same grade as the original pavement under the supervision of the Department of Public Works Superintendent no less than thirty (30) days and no more than sixty (60) days after the backfill is placed. The person charged with the duty of constructing or installing said underground work and backfilling shall be required to make frequent inspections of all trenched for which they are responsible for and to maintain the same herein provided. In case of failure to maintain trenches and backfill in such condition, the Village is authorized by this Ordinance to make the necessary repairs and charge the total cost against the person responsible for the same. For the purpose of the sand or gravel backfill as required herein, the excavated material shall not be used except after securing written permission from the Department of Public Works Superintendent.

Section 14 – Barricade Requirements: Every person digging or causing to be dug any trench in any public street or alley, for the purpose of connecting to the waterworks system shall place or cause to be placed

and maintained at and along said trench, proper signals, colored lights and barricades to give warning and prevent accidents, but in no case shall a trench be dug so as to block any street from travel, without the consent of the Department of Public Works Superintendent. All barricading shall be done in accordance with the Leelanau County Road Commission requirements. In case of the failure to properly barricade or light such excavations or trenches, the Village is authorized to cause the same to be lighted or barricaded and the expenses thereof shall be charged against the person responsible for such trenches in public streets or alleys, before undertaking any such work which is necessary for the safety and convenience of the public. The failure on the part of persons installing such trenches to promptly pay all bills incurred by the Village doing such work shall be grounds for refusing to issue further permits for excavations in the streets.

Section 15 – Work on Private Property: Excavation and backfill for service pipes on private property may be made by the owner. Connections to and installation of service pipes on private property may be made by the owner; however, no backfill shall be placed until the service pipe has been inspected and approved by the Department of Public Works Superintendent. All excavation, backfilling, connections and installations shall be made in accordance with the requirements of this Article.

Section 16 – Application Information: The Village Clerk and the Department of Public Works Superintendent shall keep records of all application approvals granted under the authority of this Ordinance which shall include the names of the applicant and the contractor, the location of the work, the place in the street where the excavation is to be made, and the purpose for which the approval is given.

ARTICLE IV

WATER USE REGULATIONS

Section 1 – Water Use Restrictions: The owner, occupant, or tenant of any building or premises entitled to the use of water from the waterworks system shall not supply water to any other person except upon approval of the Department of Public Works Superintendent, nor shall he or she permit unnecessary waste of water.

Section 2 – Conservation During Emergency or Drought: Whenever in the discretion of the Department of Public Works Superintendent an emergency or drought condition exists such that the public health, safety and general welfare of the people is endangered, the Department of Public Works Superintendent shall prescribe rules and regulations to conserve the water supply during such emergency or drought condition.

ARTICLE V

EXTENSION OF WATER MAINS

Section 1 – Water Service Extensions; Options; Standards: When extending water services to an individual property owner or group of property owners, the Department of Public Works Superintendent may extend such water service through use of a service pipe connection to an existing water main or through an extension of a water main. In exercising the discretion granted in this section, the Department of Public Works Superintendent shall consider the following factors:

- (i) Whether other property in the surrounding area is capable of development in terms of topography, wetlands, and zoning ordinance requirements such that it is reasonable to anticipate that other connections to the waterworks system may be needed in the future.
- (ii) Whether there is other property capable of development in term of topography, wetlands, and zoning ordinance requirements beyond the property intended to be serviced by the requested water service extension such that it is reasonable to anticipate that an extended water main would be further extended to provide water service to that other property or further extended to tie into the waterworks system at another location.
- (iii) Whether the distance of the water service extension or the elevated terrain over which the extended water service must travel reasonably requires a water main. Said main shall be approved by EGLE and the Village Engineer.
- (iv) Whether there is a need for fire protection through the installation of a fire hydrant in the area to be served by the water service extension.

Section 3 – Route of Water Service Connections: The route of any water service extension shall be with the right-of-way of public streets and alleys or within public utility easements granted to and approved by the Village across private property. All excavation and other work performed within the rights-of-way of these public streets and alleys shall comply with the requirements of Article III of this Ordinance. When new lines are established across private property the property owner shall grant to the Village a twenty (20) foot easement, ten (10) feet on each side of the center of a described line, for the installation, maintenance, service, inspection and/or repair of the waterworks system. The property owner shall provide the Village with a copy of the easement after recording the easement with the Leelanau County Register of Deeds Office prior to beginning the project.

Section 4 – Special Assessments: In certain instances, the Village, by a majority vote of the entire Village Council, may elect to extend water mains and finance the project by use of a special assessment district. The charge to be assessed each property owner benefited and served shall be calculated based on a formula as determined by the Village Council. The charge to each benefited property owner shall be assessed at the time the project completion and shall be paid as specified by the Village. The charge shall bear interest at the rate determined by the Village Council, compounded annually, accruing from the date of project completion to the date of payment.

ARTICLE VI

CHARGES FOR WATER SERVICES

Section 1 – Public Utility:

(a). The operation and maintenance of the Village’s water system shall be on a public utility basis in accordance with applicable federal regulations and the provisions of Act 94, Public Acts of Michigan, 1933, as amended and Act 178, Public Acts of Michigan, 1939, as amended.*

*This section (a), to be reviewed by attorney for accuracy.

(b). The water system charges shall be on the basis of an operating year commencing on the first day of March 1st and ending on the last day of February 28th next following.

Section 2 – User Charges – Purposes, Basis, and Rates:

(a). The owners, occupants, or tenants, of all property connected to the waterworks system, either directly or indirectly, shall pay user charges beginning on the date of the connection to the water system.

(b). User charges will be established by resolution of the Village for the purpose of:

(1). Recovering the costs of operation, maintenance and replacement of the waterworks system;

(2). Debt repayment (debt service).

(c). User charges, as set by resolution of the Village, for water service furnished by the water system shall be based on the quantity of water used s measured by meters installed on the property and shall be billed per 1,000 gallons of water consumed. The minimum water bill per month shall be no less than the amount of the monthly readiness to serve charge as established by resolution of the Village.

Section 3 – Tap-in Fees and Charges: In addition to user and other charges, the Village shall by resolution establish charges for connecting to the water system.

Such fees shall include the costs of all water meters and the costs of tapping the water main, installing the corporation stopcock, furnishing and laying the service pipe, installing corporation stopcock and shutoff boxes and other attendant charges and fees. The charges, however, shall include the costs of road cuts, sidewalks, and repaving. The water meters and all such materials shall be and remain the property of the Village. Any services and connections performed between November 1 and April 1 each year shall be at the discretion of the Department of Public Works Superintendent, subject to additional costs as may be determined by the Department of Public Works Superintendent.

Section 4 – Other Fees and Charges: The Village Council shall by resolution establish the fees to be charged for the installation of water meters and other services performed under this Ordinance.

Section 5 – No Free Service: No free water service may be furnished by the water system to any person, firm or corporation, public or private, or to any public agency or instrumentality.

Section 6 – Review of Rates: The adequacy of the user charges shall be reviewed bi-annually by the Water Committee or more frequently at the discretion of the Village Council. The user and other charges shall be revised periodically to reflect a change in debt service, a change in operation, maintenance and replacement costs in accordance with applicable regulations or as otherwise necessitated.

Section 7 – Bills: Bills for charges shall be rendered quarterly, payable without penalty within (30) days after the date thereof. Payments received after the due date will bear a late fee as established by resolution of the Village.

Section 8 – Separate Water Funds: All funds of the waterworks system shall be kept separate from other funds of the Village, and accurate, separate record shall be kept of all receipts to and disbursements from the water fund.

ARTICLE VII

PROTECTION FROM DAMAGES

Section 1 -Prohibited Acts; Penalty: No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the waterworks system.

Section 2 – Damage to Water Meter; Liability: Any person violating any of the provisions of this Ordinance or causing damage to a water meter by failing to properly protect that meter shall become liable to the Village for any expense, loss, or damage incurred by the Village by reason of such violation or water meter damage.

ARTICLE VIII

PROTECTION OF POTABLE WATER SUPPLY

Section 1 – Prohibited Acts; Penalty: No Person shall introduce any chemical, biological, or other substance into the waterworks system with the intent to cause physical harm to any person or animal or with the intent to cause the water supply to be unfit for human or animal consumption under applicable state and/or federal safe drinking water standards.

Section 2 – Monitoring of Water Quality; Corrective Action: The Department of Public Works shall regularly monitor and test the water within the waterworks system for the purpose of detecting water contamination and to ensure that the water continues to meet all applicable state and federal safe drinking water standards. If water contamination is detected, the Department of Public Works shall take whatever action is necessary and proper to protect the health, safety and general welfare of the public, including but not limited to, issuing public warnings and directives concerning the safety of the drinking water, flushing the waterworks system to rid the system of the contamination, and/or introducing chlorine or other substances into the waterworks system in full compliance with all applicable state and federal regulation to eliminate the contamination.

ARTICLE IX

REVOCACTION OF APPROVAL

Section 1 – Revocation of Approval: Any approval issued under this ordinance may be revoked by the Village at any time for a violation of the ordinance, for a violation of a condition of the approval, or if the approval was issued on materially false or misleading information. Such revocation shall be in addition to any other penalty provided in this ordinance.

Section 2 – Notification of Violation: Before any approval is revoked, the Village shall send to the approval holder a written Notification of Revocation. The Notice shall describe the basis for the revocation and give thirty (30) days in which the permit holder shall correct the violation. The Notice may be served personally or sent by first-class mail to the last known address of the approval holder. The time-period shall commence on the date of the personal service, or in case of mailing, service shall be deemed to have taken place on the date of mailing.

Section 3 – Show Cause Hearing: If the approval holder does not correct the violation within the thirty (30) days provided in the Notice of Revocation, then the Village may, but not required to, issue a Notice for a Show Cause Hearing before the Village Council. The purpose of this hearing is to give the approval holder an opportunity to show cause why the approval should not be revoked. The Show Cause Notice shall specify the date, time, and location of the hearing. The Notice shall be served personally or delivered by first-class mail to the last known address of the approval holder. Any approval holder served with a Show Cause Notice as provided in this section shall not be required to attend the hearing.