

**CHAPTER 1040 WATER
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CROSS REFERENCES

Municipal Owned Utilities – see CHTR Ch. 11 Public

Utility Franchises – see CHTR Ch 12

Water Supply in home rule cities – see M.C.L.A. §§117.4b, 117.4e,
117.4f, 117.35, 123.115

ORDINANCE NO. 2014-3

**CITY OF EVART
OSCEOLA COUNTY, MICHIGAN**

AN ORDINANCE TO AMEND EVART CITY CODE, CHAPTER 1040 – WATER

THE CITY OF EVART, OSCEOLA COUNTY, MICHIGAN, ORDAINS

SECTION 1: PURPOSE AND INTENT

The purpose of this Ordinance is to amend Evert City Code, Chapter 1040, as it relates to Water.

SECTION 1: Chapter 1040 of the Evert City Code, is amended to read as follows:

CHAPTER 1040 WATER GENERALLY

1040.01 Purpose

The purpose of this Chapter is to establish standards, rules and regulations with respect to the use of the City of Evert Water Works System and to provide a method for establishing the rates and charges for the connection to and use of the System.

1040.02 Management of the Water Works System

(a) Definitions:

As used in this chapter:

1. "City Manager" shall mean the City Manager of the City of Evert, or his or her designee.
2. "Commodity Charge" is the cost associated with providing water to the users. The Commodity Charge is the actual budget cost of the operation, maintenance and repair, divided by the estimated number of gallons to be produced, for delivery to the users. The Commodity Charge may also include all or a portion of the annual debt service expense incurred by the Water Supply System.
3. "Department" shall mean the Public Utilities Department for the City.
4. "Director" shall refer to the Director of Public Works/Utilities for the City of Evert, or his or her designee.
5. "Ready to Serve Charge" is the name given to the costs associated with retiring all or a portion of the debt of the water supply system, capital improvements and maintenance and repair. The monthly charge is based upon the users' meter size.
6. "Person" shall mean any individual, firm, association, public or private corporation or public agency or instrumentality.
7. "Premises" shall mean each commercial building or residential unit connected to the Water Supply System of the City.
8. "Treasurer" shall mean the Treasurer of the City of Evert or his or her designee.

9. "Unit" shall mean a single family structure or any separate residential living space (ie Apartment)
10. "User" shall mean any person who receives water from or benefits from the Water Supply System.
11. "Water service lines" shall mean that part of the water distribution system connecting the water main with the premises served.
12. "Water main" shall mean that part of the water distribution system located within easement lines or street designed to supply more than one water service line.
13. "Water Supply System" shall mean the complete Water Supply System of the City, including all water mains, connections, pipes, meters, hydrants, wells, well houses, pumps, water storage facilities, transmission lines, water service lines and all water treatment facilities, plants, works, instrumentalities and properties used or useful in obtaining a water supply, treating and distributing the same for domestic, commercial, industrial, institutional and/or fire protection purposes, and all other appurtenances, thereto, including all easements, rights and land for such easements, and including all extensions and improvements thereto which may be acquired or constructed on behalf of current and future users of the Water Supply System.
14. "Contaminated groundwater" means groundwater which there is present concentrations of chemical compounds that exceed the residential drinking water criteria established by the MDEQ by rule or operational memoranda pursuant to Part 201 of Michigan' Natural Resources and Environmental Protection Act, 1994 P.A. as amended.
15. "DWRPD" means Drinking Water and Radiologic Protection Division of the MDEQ, or its successor agency.
16. "Groundwater" means underground water within the zone of saturation.
17. "MDEQ" means Michigan Department of Environmental Quality, or its successor agency.
18. "Well" means an opening in the surface of the earth for the purpose of removing water through non-mechanical or mechanical means for any purpose.
19. A reference to any City official shall be deemed a reference to the individual duly appointed to such position and that individual's designee.

(b.) Operation and Control

The municipal Water Works System of the City of Evart shall be operated and controlled by the City Council of the City of Evart, it being the duty of the Water Works Committee of said City Council to give special attention and supervision to the said Water Works System.

(c.) Active Supervision

The active supervision of the Water Works System shall be under the City Water Department, which will exercise supervision under the general direction of the City Manager.

(d.) Duties of Water Department

It shall be the duty of said Water Department to read and repair all residential meters; to exercise constant watchfulness for water leaks; to see that all residential meters are properly sealed; that all water used on the premises is properly used as contracted and that all service lines from the water main up to and including the shut off box, also the curb cocks, curb boxes and stop cocks, are kept in good repair. The property owner or consumer shall be responsible for all maintenance of the service lines from the shut off box to the meter.

1040.03 Service Connections

(a) Water Connection

Water connections shall be installed in accordance with the rules and regulations of the City. All water connections shall be the property of the City of Evart. The water connection is the section of the water lateral extending from the water main to the edge of the public right of way or easement.

(b) Failure to Pay Charges

Should any customer fail or neglect to pay the service connection charges imposed by the City, the City may collect the same by suit in a court of competent jurisdiction. In addition, the City may shut-off and discontinue any further water service to the premises in default; and may use any and/or all methods of collection provided for in Act 178, Public Acts of Michigan 1939, as amended. (MSA 5.253.11 (1-8) as amended, and in Act 94 Public Acts of 1933, (MSA 5.2751) as amended.)

(c) Time for Inspection

The applicant for the connection shall notify the City when the service line is ready for inspection and connection. The connection shall be made under the direction of City personnel.

(d) Service Valve

No curb box shall be opened and no valve shall be operated either to turn off or turn on water supply by anyone other than an authorized City employee. Such tampering is punishable as described in State Law Section 282, Act 328, Public Acts 1931, as amended. Special permission may be given by the City Manager with at least eight (8) hours advanced notice.

(e) Maintenance of Services

All services exclusive of the fire services, used for domestic, commercial and industrial purposes will be maintained, from the main to the curb valve, by City personnel. This maintenance will be done without cost to the property owner, except as hereinafter noted. In case of any damage to service through negligence of the owner or his agent, the cost of maintenance plus twenty-five percent (25%) will be charged to the property owner.

(f) Customer's Duty to Notify for Discontinuance of Service

The customer shall notify the City if water service is to be discontinued or if the premises are to be vacated so that water may be shut off. Failure to notify will result in continuing service charges. The customer is responsible for any damage to the water meter caused by freezing in any unoccupied building. Upon request and payment of the established fees the water will be turned on. When service is discontinued the meter shall be read and a partial bill rendered.

1040.04 Meters

(a) Generally

- (1) All new services shall be metered. "New Service" shall include the conversion of a residential unit or units into two or more additional units. Each residential unit in a multi-residential unit building or structure shall have its own meter. The City reserves the right to place meters on services now in existence as rapidly as possible without application from the consumer. Meter connection fees shall be established by the City Council by resolution.
- (2) All meters shall be located just within the foundation walls of the building supplied, unless otherwise stipulated by the Director, and in a proper place providing protection from theft, freezing, hot water breakage, or other causes over which the consumer has no control.
- (3) The consumer shall notify the Director of any injury to or of the nonworking of any meter in his or her possession. In case of a disputed account, involving the accuracy of the registration of the meter, the meter shall be tested by the City. In case of such over-registration or if the meter under registers, 4% or more, the registration shall be re-adjusted to correspond, and the bill corrected accordingly.
- (4) All water supplied to metered premises must pass through the meter.
- (5) No meter shall be taken off by plumbers or others, after it has been set, except under written permit and supervision of the Director.
- (6) The Director shall have the right to determine the size of the meter required for any service.
- (7) It shall be unlawful for any person to attach a water meter to any service pipe of the City Water Works System, unless said water meter shall be installed by the City or under its supervision.

(8) All connections or tapping of pipes belonging to the City will be made by the City, or under its supervision but in no case shall connections be made until a permit stating the size and location of the same, is granted by the City to the party desiring to connect. The size of the service pipe shall be the same as that of the tap, or of equal area. The size of the taps and services shall be determined at the time of making the application for a water service, parties contemplating the erection of a large building for a business block, factory, etc. must determine the size of the service necessary for supplying such blocks, or factory upon its completion.

(9) When a meter is used in connection with steam, hot water boilers, or hot water heater, it must be protected by a swinging check valve.

(b) Setting the Meter

(1) A 5/8" meter shall be furnished by the City of Evert, and shall be set, removed, or adjusted by employees of the City of Evert, or under supervision of the City. Only one meter will be furnished for each service connection and it may be located between the main and the building, or within the building, at the option of the City. An owner requiring a meter larger than 5/8 " must supply the meter at the owner's expense and the City shall set, remove, or adjust such meter.

(2) The consumer must arrange the plumbing at his or her own expense, including check valves, so the meter may be installed at the point selected by the City and so there shall be no fixtures connected between the meter and the main.

(c) Accessibility of Meter

(1) The consumer shall maintain a passageway to the meter and keep the meter accessible for reading or removal at all times.

(2) Authorized personnel shall be permitted at all reasonable hours to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of these regulations.

(d) Damages to the Meter

(1) In case of breakage, stoppage, or other irregularity in the meter is observed by the consumer, he or she is to notify the City of Evert Water Director immediately. All repairs to the meter will be made by the City at its own expense as hereinafter provided.

(2) If a meter installed on the consumer's premises is stolen, or is damaged by freezing, hot water, fire or otherwise, due to the act of neglect of the consumer, the cost of repairs or replacement will be added to the consumer's bill, and considered a part of the water bill for that period. The City Manager shall have the sole right to determine the responsibility for damage.

(e) Tampering With the Meter

Except as provided in Paragraph 7.6, if the City of Evert finds a meter seal broken, or other positive evidence of tampering with the meter, the bill for the period will be estimated; upon repetition of the offense it shall be optional with the City of Evert to discontinue the water service and collect the amount estimated due.

(f) By-pass on Meter Settings

- (1) On all services, 1-1/4" and larger, there shall be installed a by-pass around the meter connected to the service pipe through a tee of the same diameter as the service pipe. The pipe and fitting material up to and including 2 inches must be copper. Pipe and fittings over 2 inches may be cast iron or galvanized iron but must have flanged joints. All valve material must be lead free brass. All material used shall meet all the requirements of the Safe Drinking Water Act.
- (2) Valves 2 inches and less must be globe valves, and over 2 inches must be gate valves.
- (3) Meter by-pass shall be constructed in such a manner that the meter can be removed without interference with the by-pass. Meter by-pass in valve pits will not be allowed. All meter by-pass installations shall be approved by the City.
- (4) The by-pass valve will be closed and sealed by City personnel. In an emergency the customer may break the seal and open the by-pass valve. The City shall be notified as soon as possible but no later than forty-eight hours. If a by-pass valve is found open and proper notification has not been made to the City, then such use will be considered unlawful use of City water. In such case, water may be turned off and not turned on again until the charges for the estimated quantity of water used, plus ten dollars (\$10.00) has been paid.

(g) Testing the Meter

If a meter should fail to register, the amount of water used shall be estimated by the City based on the quantity used in the preceding measurement period and in the same period of the preceding year. A customer, who believes the meter may not be measuring water consumed accurately, may request a test be performed to determine the meter's accuracy. If the meter is found to be incorrect by 4% or more, the last period's bill shall be adjusted and the consumer shall not be liable for the cost of removing, testing or replacing the meter.

(h) Adjustment of Meter Bills

If a meter fails to register properly, the consumption for the period will be estimated from the consumption of a preceding period when the water was supplied under similar conditions and was correctly measured. If a meter reader is unable to gain access to a meter for reading, after two calls, the bill for the period may be estimated and the property connection made on the bill for the next period. If a metered water bill appears excessive, complaint should be made to the City Water Department immediately and the meter will be re-read and reasonable assistance given in searching for waste of water.

(i) Auxiliary Meters

When an owner of property, who has two or more tenants supplied with water through a single meter on the existing service, desires to sub-divide the cost of water between the tenants, the property owner may have auxiliary meters approved and inspected by the City and installed at the property owners own expense. The cost of all auxiliary meters, installation, maintenance, testing and reading is the responsibility of the property owner. The City water department will bill the owner for the water used based on the reading given by the main service meter.

1040.05 Billing

(a) Payment of Water Bills

Water bills shall be paid monthly to the City of Ewart, with bills being sent out monthly, indicating use for the prior month.

(b) Meter Rates

Meter rates shall become operative upon the installation of the meter. These rates are subject to revision and change from time to time by resolution of the City Council.

(c) Shut Offs

A fee will be charged for shutting off and the same for turning on water. No water will be shut off or turned on at owner's request other than in the case of an emergency, unless said request is handed to the City, in writing, accompanied by the applicable fee. The amount of the fee for shutting off and turning on water will be established by resolution of the City Council and is subject to revision and change from time to time.

(d) Date Due

If water fees are not paid by the due date, a penalty of nine percent (9%), of the delinquent amount, will be charged to the bill. The due date is 20 days after the date of invoice.

1040.06 Discontinuance of Service - Generally

(a) Water may be shut off if bill is not paid by 30 days after the invoice date. Official notification shall be made prior to discontinuance of service.

(b) Service and application and contract may be discontinued for any of the following reasons:

(1) For a misrepresentation in the application as to property or fixtures to be supplied or the use to be made of the water supply.

- (2) For adding units or applicable fixtures, which changes the use to be made of the water supply, without notice to the City.
- (3) For the use of water for any other property or purpose than has been previously approved.
- (4) For any tampering with the meter measuring the water supply as to effect its proper operation and the registration of the water supplied or with the seals on the meter.
- (5) For waste of water through improper or imperfect pipes, fixtures, or otherwise.
- (6) For neglecting to make or renew advance payment or for non-payment of any account for water supplied or for meter or service maintenance.
- (7) For any tampering with any special service pipes or the seals thereon, or with the curb stop cock, or any other appliance of the Water Department, controlling or regulating the water supply.
- (8) In case of the vacancy of the premises.
- (9) For the violation of any rules of the Water Department.
- (10) The Water Department shall have the right to cut off the water supply without notice in the case of breakdowns or for other unavoidable causes, or for the purpose of making necessary repairs, connections, etc., or on reasonable notice when practicable.
- (11) When two or more buildings are supplied through a single service pipe, any violation of the rules of the Department with reference to either, shall be deemed a violation as to all, and the Department may take such action as could be taken as to a single building.

1040.07 Water Mains; Service Lines & Cross Connections

The City is responsible for all water mains and water service lines up to the water shut-off box. The user is responsible for maintenance of the water service line from the shut-off box to the building as well as all inside plumbing. The City shall furnish the meter and yoke, billing the same to the property owner on initial installation and then maintaining the same at the City's expense. In no case shall water service lines be allowed to leak more than twenty-four (24) hours without repair. In the case of a line leaking after twenty-four (24) hours and the property owner being notified, the City shall terminate the water supply by shutting the same off at the water shut-off box.

(a) Physical Connections

(1) No person shall make or maintain physical connection between any other source of water or liquid and the city supply piping. No spigot or outlet shall be physically connected to a drain or sewer nor, shall such be below a free overflow or submerged. All applicable provisions of the Water Supply Cross Connection rules of the Michigan Department of Public Health being

R325.431 to R325.440 to the Michigan Administrative Code shall be considered a part of this Ordinance. The City of Ewart adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality being R325.11401 to R325.11407 of the Michigan Administrative Code.

(2) Service connections to existing premises shall not be made until after the well or other source water supply has been disconnected from the building plumbing. If inspection reveals a cross-connection of any type with the building plumbing, service will be disconnected until said cross-connection is eliminated in a manner approved by the City.

(b) Inspections

That it shall be the duty of the City Water Department to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the City Water Department and as approved by the Michigan Department of Health.

(c) Access

That the representative of the City Water Department shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the City of Ewart for the purpose of inspecting the piping system or systems thereof for cross connections. On the request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

(d) Discontinuance of Service

That the City Water Department shall discontinue water service after reasonable notice to any property wherein any connection in violation of this Chapter exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has (have) been eliminated in compliance with provisions of this ordinance.

(e) Backflow

That all testable backflow prevention assemblies shall be tested at the time of installation, relocation, repairs or put back into service in warm months. Subsequent testing of assemblies shall be conducted at a time interval specified by the Director and in accordance with Michigan Department of Quality requirements. Only individuals that hold a valid Michigan Certification and have successfully passed and approved backflow testing class shall perform such testing. Each tester shall also be approved by the Director. Individual(s) performing assembly testing shall certify the results of his/her testing.

(f) Protection from Contamination

That the potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this ordinance and by the State Plumbing Code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: "Water unsafe for drinking".

(g) State Plumbing Code

That this ordinance does not supersede the state plumbing code but is supplementary to them.

1040.08 Prohibition on Use of Groundwater

(a) Purpose

The City Council finds that the use of wells for water may influence the movement of contaminated groundwater and constitutes a potential public health risk. This section is intended to protect the public health, safety and welfare. This section is intended to address, in part, the presence of contaminated groundwater within the City. Ordinance requires all water users within the impacted area, as depicted in Exhibits "A" & "B", to use the municipal city water service as their source of water, requires the City of Ewart to the Michigan Department of Environmental Quality at least 30 days prior to amending and/or repealing this Ordinance, requires the City of Ewart to file this Ordinance with the Osceola County Register of Deeds, and provides enforcement mechanisms for violations of this Chapter.

(b) Prohibition

Except as provided in subsection (c), no person shall utilize, or allow, permit, or provide for the installation or utilization of, a well in the City of Ewart as described on Exhibits "A" & "B".

(c) Exceptions

A person may install or utilize, or allow, permit, or provide for the installation or utilization of, a well within the City if any of the following exceptions applies and the requirements of the exception are complied with (note that the person requesting this exception is responsible for developing and providing all of the information necessary for the City and MDEQ to consider this request for an exception, which may include but is not limited to a groundwater flow study or chemical analytical data):

(1) **Proof of Influence.** If the MDEQ determines that the use of a well is not influence or potentially influenced by contaminated groundwater and further determines the use of that well will remain permanently unaffected by the future migration of contaminated groundwater, and proof of those determinations is delivered to the City, the City Manager may execute a waiver allowing the use of the well.

(2) **Groundwater Monitoring.** A well may be used for groundwater monitoring and/or remediation as part of response activity approved by MDEQ.

(3) **Construction De-watering.** A well may be used for construction dewatering, if the following conditions are satisfied: (i) the use of the dewatering well will not result in unacceptable exposure to groundwater, possible cross-contamination between saturated zones, or hydro geological effects on contaminated groundwater plumes and (ie the water generated by that activity is properly handled and disposed of in compliance with all applicable laws, rules, regulations, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction.) Exacerbation caused by the use of the well under this exception shall be the responsibility of the person operating the de-watering well, provided in Part 201 of the Natural Resources and Environmental Protection Act, being MCL 324.20101 to 324.20142.

(4) **Processing Activities.** If the MDEQ determines that the use of a well for non-contact heating, cooling or processing activities will not cause the future migration of contaminated groundwater, and proof of that determination is delivered to the City, the City Manager may execute a waiver allowing the use of the well for the permitted purposes upon such terms and conditions that the MDEQ identifies.

(5) **Public Emergencies.** A well may be used in the event of a public emergency e.g., such as response actions to a chemical spill]. Notice within a reasonable time frame must be provided to the Director of MDEQ if this exception is used.

(d) Sources of Water Supplied for Human Consumption.

Except as provided in subsection (c), water supply for human consumption in the City shall be delivered only from the City Water System or by the use of bottled water delivered or purchased in containers under conditions approved by the DWRPD or other appropriate agency. For the purposes of this subsection, the term “human consumption” means use in food or drink intended for human ingestion, use in food preparation or food service, use in the interior of a dwelling or dwelling unit for household purposes, and use in any personal washing or ingestion by irrigation.

(e) Wells Affecting Contaminated Groundwater.

No well may be used or installed at any place in the City if the use of the well will have the effect of causing the migration of contaminated groundwater or a contaminated groundwater plume to previously un-impacted groundwater, or adversely impacting any groundwater treatment system, unless the well is part of an MDEQ or United States Environmental Protection Agency approved groundwater monitoring or remediation system.

(f) Non-Conforming Wells.

Any existing well, the use of which is prohibited by subsection C, shall be plugged or abandoned in conformance with all applicable laws, rules, regulations, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction, or, in the absence of an applicable law, rule, regulation, requirement, order, directive, in conformance with

the protocol developed consistent with the American Standards for Testing and Materials standard #D5299-92.

(g) Enforcement

The City Manager shall be responsible for the enforcement of this section.

(h) Penalty, Permit Denial, Remedies

- (1) **Misdemeanor.** Any violation of this section shall be a misdemeanor punishable by a fine not to exceed Five Hundred Dollars (\$500.00) and costs of prosecution or by imprisonment in the county jail for not to exceed ninety (90) days, or by both such fine and imprisonment or at the discretion of the court. Each act of violation and each day upon which such violation shall occur or shall continue shall constitute a separate offense.
- (2) **Building or Improvement Permit.** No permit for building, alteration, or other required permit for a premises or improvement thereon shall be issued by the City for any premises found in violation of this section, or where it is proposed to install or use a well in violation of this section.
- (3) **Injunctive Relief.** The City may further enforce this section by action seeking injunctive relief. Any well in violation of this section shall be deemed a nuisance subject to abatement.

(i) Miscellaneous

- (1) **Modification or Repeal.** At least thirty (30) days prior to any amendment or repeal in whole or part of this section, the City Shall notify the MDEQ of its intent to so act. Notification shall be sent by registered mail to the Director of the MDEQ.
- (2) **Severability.** If any subsection, sentence, clause, phrase, or portion of this section is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this section. The City shall promptly notify the MDEQ upon the occurrence of any event described in this paragraph.
- (3) **Filing with the Register of Deeds.** The City of Ewart shall file a copy of this ordinance with the Osceola County Register of Deeds as an Ordinance affecting multiple properties no more than thirty (30) days after it becomes effective.

(j) Mandatory Connection, Exception; New Private Wells, Prohibition, Continuation, Abandonment.

- (1) Except as otherwise provided in division (2), any property or structure in or on which water is used or consumed and which has City water “available” to it shall be connected

to the City Water Supply System. Such connection shall be made within ninety (90) days of written notice from the City to do so. For purposes of this section City water shall be considered “available” if the City Water Supply System is located within two hundred (200) feet of the nearest property line of said property.

(2) The installation of new private wells is prohibited, except for properties that do not have City water “available.” A private well existing on the date of the adoption of this section may continue to be used until it is no longer operable. A private well that has been disconnected from any structure on the property that is still operable shall be used solely for outdoor purposes only. A private well that is disconnected from a structure and that is still in service shall be subject to inspection as part of the City’s cross connection program and shall be registered under the Michigan Health Department regulations within 90 days of the disconnection.

1040.9 Construction and Specifications

(a) Excavation

All excavation required for the installation of a water service line shall be open trench work unless otherwise approved by the City. Pipe laying and backfilling shall be performed in accordance with the standard specifications for excavating, trenching and backfilling, except that no backfill shall be placed until the work has been inspected.

(b) Minimum Water Main Size

The minimum water main size shall not be less than six (6) inches in diameter and conform to the City’s Water Main Specifications.

(c) Service Line Standards and Size

(1) The service line shall be copper conforming to the City’s Water Main Specifications.

(2) The size of the service line shall be subject to the approval of the City but in no event shall the inside diameter be less than 1” for a single family residence or less than 1-1/2 “ for multiple family dwelling or commercial establishment.

(d) Depth Separation from Building Sewer and Bedding

A separate and independent service line shall be provided for each building. The service line shall be separated from the building sewer by at least 10 feet. Both conduits shall be bedded according to City Specifications.

(e) Reduced Pressure Principle Backflow Preventer

All new, commercial and industrial water services shall have installed on the street side of the water meter, a backflow preventer. The backflow preventer that are installed shall have the approval of the Michigan State Health Department.

(f) Michigan Department of Environmental Quality

Proposed extensions to the City water system must be approved on a construction permit issued by the Michigan Department of Environmental Quality, before construction is begun.

(g) Testing

The service line will be tested under the direction of City Utility personnel at the same pressure as the water main to which the service line is connected normally operates. The entire service line shall be completely water tight under test conditions.

(h) MISS DIG System

Any person wishing to perform work on a connection to the Water Supply System shall notify MISS DIG at least seventy-two (72) hours before performing the work, and the Department at least twenty-four (24) hours before performing the work.

1040.10 Fire Hydrants

Only City personnel or others specifically authorized shall operate fire hydrants. Requests to use water from fire hydrants may be granted when such requests are accompanied by the established security deposit. Permission to use water from fire hydrants shall be in writing and such written permission must be produced when so requested by the City's authorized personnel. Water used will be charged at established rates. Persons using water from fire hydrants without first obtaining permission from the City are subject to civil infraction fines as provided in Chapter 12.

1040.11 Isolation Distances from Sources of Pollution

(a) Prohibition

It shall be unlawful for any person, firm or corporation to erect, maintain or use any outhouse, privy, cesspool, barn where animals are kept, manure pile, or other source of pollution within two hundred (200) feet of any well owned by the City of Ewart and used as a source of water supply for the people of the city of Ewart.

(b) Violation

Each day that any such building or source of pollution is used or maintained shall constitute a separate violation of this ordinance.

1040.12 Fluoridation

In reference to Public Act 346, of 1968, the City Council of the City of Evert has taken appropriate action to reject adding fluoride to the Water Supply System.

1040.13 Enforcement

(a) Municipal Civil Infractions.

(1) Violation: Municipal Civil Infractions

Except as provided in Sections 1040.08, a person who violates any provision of this Ordinance (including, without limitation, any notice, order, permit, decision or determination promulgated, issued or made by the City under this ordinance) is responsible for a municipal civil infraction, which is an act of omission that is prohibited, made or declared unlawful, or an offense by this Ordinance, but which is not a crime under this Ordinance, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs may be Ordered as authorized by Act 236, of Public Act of 1961, as amended, and Act 279, of Public Act 1909, as amended, and subject to payment of civil fine of \$500.00, per day, for each infraction, plus costs and other sanctions.

(2) Repeat Offenses: Increased Fines

Increased fines may be imposed for repeat offenses. As used in this section, “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Ordinance (i) committed by a person within any 90-day period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:

(a) The fine for any offense that is a first repeat offense shall be \$1,000.00 per day, plus costs.

(b) The fine for any offense that is a second repeat offense or any subsequent repeat offense shall be \$2,500.00, per day, plus costs.

(c) Building or Improvement Permit. No permit for building, alteration, or other required permit for a premises or improvement thereon shall be issued by the City for any premises found in violation of this section, or where it is proposed to install or use a well in violation of this section.

(d) Injunctive Relief. The City may further enforce this section by action seeking injunctive relief any well in violation of this section shall be deemed a nuisance subject to abatement.

(3) Authorized City Official

Notwithstanding any other provision of this ordinance to the contrary the City Manager shall be responsible for the enforcement of this section, including the issuance of municipal civil infraction citations and municipal civil infraction violation notices for violations of this ordinance.

(b) Recovery of Costs Incurred by the Municipality

Any Consumer violating any of the provisions of this Ordinance, or who causes loss or damage to or impairs the City of Evert water supply system may be liable to the City of Evert for any expense loss or damage caused by such violation of damage. The Director may bill the Discharger for such costs incurred by the City of Evert for any supervision, investigation, sampling, administration, cleaning, repair, or replacement work caused by the violation or damage. Refusal to pay the assessed costs shall constitute a violation of this Ordinance enforceable under the provision of this Ordinance.

(c) Criminal Penalties

Any person who knowingly makes any false statement representation, or certification in any application, record, report, plan, or other document filed required to be maintained pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any metering device required under this Ordinance, shall, upon conviction be punished by the imposition of a criminal penalty of not more than \$500.00 or by imprisonment for not more than (6) months, or by both.

1040.14 Severability

Each section or part of a section in these regulations is hereby declared to be a separate and distinct enactment, and should any section or part of a section be held inoperative or void, it shall not affect the validity of any other section or part of a section.

1040.15 Repeal

All other Ordinances regulating water are hereby repealed.

SECTION 2: This Ordinance shall take effect immediately after publication in the newspaper as provided by the laws of the State of Michigan.

Date: December ____, 2014

ERIC SCHMIDT, Mayor

SERAPHIM S. BIERI, Evert City Clerk

I, Seraphim S. Bieri, City Clerk for the City of Evert, hereby certify that the above Ordinance was adopted on the ____, day of December, 2014.

SERAPHIM S. BIERI, City Clerk

