

## **RECORD OF ORDINANCES**

### **Village of Roscommon, County of Roscommon**

#### **Ordinance No. 3**

AN ORDINANCE TO REGULATE THE SALE AND DISTRIBUTION OF WATER IN THE VILLAGE OF ROSCOMMON.

The Village of Roscommon Ordains:

#### **Section 1. GENERAL**

Every consumer of water, every owner, occupant, or person in possession, charge or control of any building, structure or premises having service from or through the Roscommon Water Supply System shall be governed by and be subject to the provisions of this ordinance and also such other rules and regulations governing or concerning the use of water as may from time to time be adopted and approved by the Village of Roscommon.

#### **Section 2. TERMS AND DEFINITIONS**

Corporation Stop - the valve placed at the junction of the water main and the service pipe.

Council - the Council of the Village of Roscommon.

Curb Box - the cast iron extension placed above the curb cock.

Curb Stop - the valve placed approximately on the property line for the purpose of shutting off the supply of water in the service pipe.

Customer's Portion - that part of the service lying between property line and the building serviced.

Director of Public Works – shall mean the person designated by the Village to supervise the operations of the publicly owned water utility.

Established Street Grade - the grade of the street for future improvement as determined by the Department of Public Works.

Licensed (Certified) Operator – Shall mean a person designated by the Village who has met the requirements to operate and maintain the water facilities. In addition, has been issued a license or certification by the Department of Environmental Quality.

Meter - the device used for measuring the amount of water passing through the service.

Meter pit - a vault constructed to contain the meter and to protect it from drainage.

Multi Service Unit - more than one unit per service.

Owner - any person, firm or corporation owning any premises supplied or to be supplied with water from the public water system.

Plumbing - defined as set forth in the rules and regulations of the State Board of Health.

Premises - any single or multiple dwelling, office, store, building or structure, together with the land connected with it and all out buildings.

Service - that part of the water system between the public water main and the meter, which determines the amount of water used by the consumer.

Service Line - the pipe which connects the water main with the water meter.

Shut Off - the same as curb stop.

Unit - an independent living area which includes at least restroom and kitchen facilities.

Village - Village of Roscommon

Village Portion - that part of the service lying between the public water main and property line.

Water Main - all pipe or pipes, except service lines, used for the conveyance or distribution of water.

### **Section 3. USE OF PUBLIC WATER SUPPLY REQUIRED**

**Mandatory Connection.** The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Village and abutting on any street, alley or right of way in which there is located or may in the future be located, a municipal water supply system of the Village are hereby required to connect to the municipal system for all potable water, provided that said water system is within 100 feet of the nearest property line of said premises. Connections are made at the property owner's expense. This connection will be done in accordance with provisions of this ordinance and under direction of the Village Department of Public Works. Pre-existing non-complying situations are required to be connected within ninety (90) days after the date of official notice by the Village of Roscommon unless specifically approved by the Village Council as a variance to this ordinance. Such approval may be granted, with the approval of the State and local health department, only under demonstration of hardship or unique circumstances. The Village Council may limit the time period for which such approval or variance shall be valid.

**Discharge to Public Sewer System.** It shall be unlawful to connect to any water source other than the municipal water system that would result in the discharge of fluids into the Village Sanitary Sewer System.

#### **Section 4. PRIVATE WELLS**

**Non-Availability of Water.** Where Village water service is not available under the provisions of this ordinance, the building's potable water source may be furnished by a well, subject to provisions of this ordinance, other Village ordinances, local Health Department regulations and State and Federal regulations.

**Private Well Permit.** No person shall construct or install a private well without first applying to the Roscommon County Public Health Department for and obtaining a permit to construct and operate the well. A copy of this permit must be filed with the Village.

**Required Abandonment of Private Wells.** At such time as the public water system becomes available to a property served by a private well, as provided by this ordinance, a direct connection shall be made to the public water system in compliance with the provisions of this ordinance and the private well shall be abandoned as specified by the Public Health Department. If the property owner wishes to use the well for irrigation purposes only, arrangements must be made with the Director of Public Works to verify that said well is not within the restricted areas as outlined in Ordinance 44 and does not pose any hazard to the community welfare.

#### **Section 5. BUILDING WATER AND CONNECTIONS**

**Unlawful procedure.** It shall be unlawful for any person or owner to do any excavating, tap or make connections with the public water system without first obtaining permission of the Village as herein provided.

**Cost of installation.** All cost and expenses incident to the installation and connection of the building's water supply shall be borne by the owner of said property. The owner shall indemnify the Village for all loss or damage that may directly or indirectly be occasioned by the installation of the building's water supply to the building.

**Connection to public water system.** The applicant for a water connection permit shall notify the Village when the water supply to the building is ready for inspection and connection to the public water supply. The Director of Public Works or designee shall then inspect the installation and, if such construction is found to conform to the established specifications and be in a safe and sanitary condition, approval shall be granted to connect the building water to the public water supply system.

**Separate services.** A separate and independent building sewer shall be provided for every building. Wherever practical, a separate and independent sewer service will be provided for separate buildings on the same property where each building will be used as independent living quarters. When a commercial building is constructed, so as to handle more than one business establishment, a separate water service will be provided for each area of the building that will be a separate business establishment.

**Installation of Service.** All work performed in making additions, connections, repairs, extensions or alterations, connected to the service shall be subject to inspection by the Director of Public Works or designate representative, who have authority hereby granted, to order any part of such work discontinued or changed, in order that the same shall comply with the rules and regulations of the Village.

All service lines shall be laid not less than four feet, or level of water main, below the surface of the ground or established street grade.

There shall be placed in all service lines at the property line, a curb stop or valve equipped with an iron extension service box, leading to a point above the surface of the ground.

No service shall be laid along the outside wall or in any position where there is danger of freezing.

In no case shall there be any connection between water pipes receiving their supply from the city mains to pipes and pumps or tanks receiving their supply from any other source.

All rights, titles and ownership to the street portion of the service, including the corporation stop, curb stop, service box and service pipe, shall be vested in the Village.

## **Section 6. CROSS CONNECTIONS**

**Authority.** The Village of Roscommon adopts by reference the water supply cross connection rules of the Michigan Department of Environmental Quality Water Supply Cross Connection Rules being R325.11401 to R325.11407 of the Michigan Administrative Code, as the same shall be amended, changed or supplemented from time to time.

**Inspection required.** It shall be the duty of the Director of Public Works to cause inspections to be made of all properties served by the Village water supply where cross connections with the water supply is deemed possible.

**Right of entry; information furnished.** The Village shall have the right to enter, at all reasonable times, any property serviced by a connection to the Village water supply system for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees or occupants of any property so served, shall furnish to the Village any pertinent information regarding the piping system or systems on such property. Refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence

of cross connections.

**Discontinuance and restoration of service.** The Village is hereby authorized and directed to discontinue water service after required notice to any property wherein any connection in violation of this ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination to the public water supply system. Water service to such property shall not be restored until the cross connection(s) have been eliminated in compliance with the provisions of this ordinance.

#### **Section 7. FLUORIDE**

No fluoride shall be added to the Village water supply system. This section continues prior ordinance 42 of the Village of Roscommon, adopted June 15, 1973 to exempt the Village of Roscommon from PA 346, Section 2 of 1968.

#### **Section 8. WORK ON PRIVATE PROPERTY**

Excavation and backfill for building water supply on private property shall be made by the owner or his/her contractor. A licensed plumbing contractor shall make connections and installation of the building water on private property. All work must conform to current plumbing code standards. "As-built" drawings of the water service line must be furnished to the Village prior to connection.

#### **Section 9. FAILURE TO CONNECT**

In the event the owner of a parcel of land fails to connect within the time allotted by this ordinance, the Village shall proceed to take such action as is authorized to require the connect including but not limited to having an injunction issued to prevent the building or home from being occupied or used until there is compliance with the ordinance.

#### **Section 10. PERMITS**

**Application for Service.** When the installation of water service is desired from the Village Water Supply System for any building, structure or premises, and before any service pipe is laid or any connection made with any main of the Village Water Supply System, an application in writing shall first be made to the Village. Such application shall set forth the true legal description of the premises it is proposed to serve, the name and address of the person, firm or corporation owning the premises and the size of building for which the service desired. It also shall set forth the kind of building for which the service is intended and who shall be performing the installation. The applicant shall be required to answer truthfully all questions regarding such

application that may be put to him by any officer or employee of the Village.

**Fees.** A person granted a connection permit for the purpose of connecting with any water main shall pay a connection charge; this charge shall be set by council resolution. The connection charge shall be paid at the time of application for a connection permit. The connection charge shall be exclusive of any additional charge for engineering or inspection charges. For oversized connections that are charged a base fee and additional charges based on size, the base connection fee must be paid at the time of application and all additional charges must be paid prior to issuance of an occupancy permit for the building.

**Record keeping.** The Village shall keep a record of all permits granted under the authority of this ordinance. Information shall include the true legal description of the premises it is proposed to serve, the name and address of the person, firm or corporation owning the premises and the size of building for which the service desired. It also shall set forth the kind of building for which the service is intended and who shall be performing the installation.

## **Section 11. METERS**

All connections with the water main must be prepared for the use of water through a meter and no water shall be supplied to any building except through a meter approved and installed by the Village or installed by contractors authorized by the Village. Water services, requiring meters in excess of 5/8-inch meters, shall be furnished larger meters only upon payment by the property owner of the increased cost thereof.

All meters must be set in a clean, dry and sanitary place easily accessible. Meters will not be allowed in closets or other places that are kept locked or in any place difficult to access.

When it is impracticable to place the meter within the building it shall be placed in a meter pit located approximately at the property line. The meter pit shall be constructed of brick, concrete, or vitrified crock of sufficient size to allow access to the meter and shall be constructed in accordance with the plans furnished by the Village. The cover shall be of cast iron of approved design. The cost of construction of meter pit shall be borne by the consumer and the manner of making payment shall be determined by the Council.

The consumer will be held responsible for care and protection of the meter from freezing or damage by hot water and from injury by any person or persons and any damage which may occur to any water meter due to carelessness or neglect of the tenant, owner or agent of the property on which said meter is placed, shall be paid for by such person upon presentation of a statement of damages and in the manner determined by the Council.

In case the consumer shall discover any defect or damage to the meter, they shall immediately notify the Director of Public Works who shall make the proper disposition to place the same in good condition.

All persons are forbidden to interfere with or remove a water meter from any service connection. No person shall break, remove or tamper with or shall cause or suffer to be broken, removed, or tampered with, any seal that is placed on any meter or service box by an employee of the Village.

No person shall place, cause or suffer to be placed any device that shall serve to allow any water to be used that does not pass through the meter.

The Village may require that all persons, not owners of property, in which service is desired execute an application for service jointly with the owner of the premises, binding both parties jointly and severally, to the payment of all rates and charges imposed by this ordinance or by resolution of Council.

Access to private property must be granted to any authorized employee of the Village for the purpose of obtaining a reading from meters and/or readouts.

All rights, title and ownership of the meter shall be vested in the Village.

## **Section 12. MAINTENANCE OF SERVICE**

The customer portion of service from the Village Water Supply System shall be kept in repair at the owner's expense. If the said portion of the service is permitted to remain in disrepair, the Village, after proper notice, may shut off the water to said premises. The water shall not be turned on again until such pipe or pipes have been placed in proper repair.

## **Section 13. ACCESS TO PROPERTY**

The Director of Public Works or authorized representative shall have free entry and access to every part of any building, structure or premises, at any reasonable hour, whenever such entry and access is deemed necessary or advisable for the purpose of inspecting the pipes and fixtures connected with the Water Supply System. In case any person in charge or control of any such building, structure or premises shall refuse to permit such entry or access or shall do or cause to be done any act or thing for the purpose of preventing such entry or access, the Village, after proper notification, may turn off the service to said building, structure or premises until such entry and access has been accomplished. The Village shall have the power and authority to require any pipes or fixtures to be replaced, removed or changed when the same are defective.

No person shall in any way obstruct, cause or permit to be obstructed, access to any shut off, curb stop, water meter or recording device connected with any water main or service pipes by any means whatsoever. In the event that the owner or person in charge or control of such buildings, structures or premises, shall, after proper notification, refuse to remove such obstruction, the Village may shut off the service until such obstruction shall be removed.

**Easements.** The Director of Public Works and other duly authorized employees of the Village bearing proper credentials and identification, shall be permitted to enter all private properties

through which the Village holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the public water system staying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

#### **Section 14. HYDRANTS, VALVES, ETC.**

No person shall take water from any fire hydrant, valve, faucet pipe or any other opening connected with the Village Water Supply System, unless such person shall first make application for the use of water and shall have paid the required deposit and receive permission in writing from the Village or unless such person is an employee of the Village acting in the discharge of his/her duties as such.

No person shall open or close or tamper with any valve, hydrant, or curb stop without having first obtained permission in writing from the Village.

#### **Section 15. RATES AND CHARGES**

It is the duty of the Village to render bills for the water supply system and all other charges in connection therewith and to collect all monies due therefrom.

Charges for use of the water supply system of the Village are hereby established for the purpose of maintenance, operations, repair, replacement of said system, expansion or reconstruction of facilities associated with the system, refunding to the U.S. Treasury and interest and principal on construction bonds. Such charges shall be made against all premises which have water connections with the water supply system of the Village or which may otherwise obtain water, either directly or indirectly, from such system or any part thereof.

No free service shall be furnished to any person, firm or corporation, public or private, or to any public agency or instrumentality.

**Inside the Village.** Charges for users inside the Village shall be a base charge per month for all users, plus a volume charge for water used and a surcharge. Volume shall be assessed at a rate based on a per 1,000 gallon usage. The base rate, volume charge and surcharge are set by council resolution.

**Outside the Village.** Charges for users outside the Village shall be a base charge per month for all users, plus a volume charge for water used and a surcharge. Volume shall be assessed at a rate based on a per 1,000 gallon usage. The base rate, volume charge and surcharge are set by council resolution.



**Multi Service Units.** Charges for multi service units will be assessed for each unit over one and will be set by council resolution.

**Un-metered water users.** In the event a lot, parcel of real estate or building uses water from the water supply system and the Village finds it is not practical to attempt to measure such usage by meter, it shall measure the same in such a manner and by such method as it may find practical in the light of the conditions and attendant circumstances of the case in order to determine the rates and charges according to the corresponding rates provided in the ordinance. If the Village finds that it is practical to attempt to measure such water by meter, then the owner of the property shall install a meter acceptable to the Village upon ten- (10) day's notice.

**Determination of use.** The determination of gallonage used shall be determined by the water meter, except as hereinafter otherwise provided for.

**Water not discharged into sewer system.** The quantity of water a property utilizes in a manner that is not discharged into the Village sewage disposal system may, at the option of the owner or tenant of the property, be determined by measurement of a device installed and maintained without cost to the Village. No such device shall be installed or used for such purpose without the prior approval of the Village.

**Billings.** Bills for the rates and charges shall be sent monthly, with meters to be read or estimated every month. All bills shall be payable on the 20th day of the month of the bill and shall be paid at the office of the Treasurer of the Village. If any charge for the services of the system are not paid by the 20th day of the month in which it shall become due and payable, a late payment charge of ten percent (10%) of the amount of the bill shall be added there to and collected there with. If any bills for the service shall remain unpaid after twenty five (25) days following the rendition of the late payment charges thereof, the water service for the lot, parcel of land or premises affected shall be shut off and shall not be turned on again until payment in full including delinquent charges and a turn off charge, set by council resolution, are received.

When a new service is installed, billing will begin when the connection is made. If a house has an established service, then a base charge will be assessed to the property. Once established, service can only be disconnected when the structure, which was being serviced, has been demolished or removed. When a service has been disconnected and a base charge is no longer paid, this will be stated in writing and placed on file with the Village, stating that the service is to be terminated and that there will be a new permit purchased when the service is again desired at this location.

**Billing liability.** The owner of the premises served shall be liable for all charges associated with the water supply system provided for said premises. All water charges will be sent to the property owners on record at Village Hall. The only exception to this procedure will be that the billing can be sent to businesses that lease commercial buildings, with the concurrence of the building owner.

If a residential property is being rented or leased to another person or persons, a copy of the billing may be furnished to the renter/lessee with authorization of the owner. It will be the responsibility of the property owner to see that the charges are paid in full. Any unpaid balances at the end of the Village fiscal year may be added to the tax roll.

If a home/building is bought/sold with any outstanding water billings, these amounts become the responsibility of the new owner.

**Tenant Responsibility.** In the event a lessor files an affidavit pursuant to and in conformance with MCL 123.164 and 141.121 wherein the lessee is responsible for charges for the use of the Village's water system, no further service shall be provided to the premises until a cash deposit of \$250.00 is paid to the Village as set forth in Village of Roscommon Ordinance No. 40.

**Lien on property.** Charges for use of the Village's water system to any premises shall be a lien thereon and if delinquent for more than six (6) months, shall be certified by the Village Treasurer, who shall enter the unpaid charges, plus late fees, plus a ten percent (10%) processing and collection fee on the total amount due, upon the next tax roll against the premises to which such services have been rendered and said charges shall be collected and a lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll; provided that the Treasurer, upon certification, shall notify the owner of the premises, by first class mail at his/her last known address, of the Village's intent to place the charges as a lien, if said charges are not paid in full within fifteen (15) days of the mailing of said notice.

The Treasurer shall enter the unpaid charges, late fees, and processing and collection fees upon the tax rolls fifteen (15) days after notice is sent as herein specified.

**Accounting for water system.** All revenues and monies, derived from the operation of the water supply system, shall be paid to and held by the Treasurer, separate and apart from all other fund and monies incident to the operation of said system, as may be delivered to the Treasurer, shall be deposited in a separate fund designated as the "Water Supply System Fund Account," and said Treasurer shall administer said fund, in every respect in a manner provided by the laws of Michigan and all other laws pertaining thereto.

The Village shall establish a proper system of accounts and shall keep proper records, books, and accounts, in which complete and correct entries shall be made of all transactions relative to the Water Supply System and at regular annual intervals of the Village Council shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system.

## **Section 16. PROTECTION FROM DAMAGE**

**Powers of the police.** 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 water supply system. Any person violating this provision shall be subject to immediate

arrest under charge of disorderly conduct and/or destruction of public property.

**Liability.** Any person violating any of the provision of this ordinance shall become liable to the Village for any expenses, loss or damage occasioned the Village by reason of such violation.

## **Section 17. EMERGENCY REDUCTION OF WATER USE**

The Village Manager is hereby authorized to impose temporary restrictions upon the use of water from the public water system in the manner provided in this Section.

Temporary restrictions on the use of water from the public water system under the authority of this Section shall be implemented only after the Village Manager has made a determination that one or more of the following conditions exist and that the specific restrictions imposed are needed to protect the health, safety or general welfare of the public or to protect the water system from damage or failure:

- (a) The user demand for water may exceed the sustained delivery capability of the system.
- (b) The system is operating at such a high volume, or such low main pressures, that insufficient capacity or reserve remains to safely respond to an increase in demand created by a fire, water main failure, system malfunction or other emergency.
- (c) Any other condition or situation, extent or reasonably anticipated, that may expose or threaten the system, its operating flows, residual pressures or integrity to the point that the system is jeopardized or the public safety endangered.

The temporary restrictions on the use of water from the system as determined necessary by the Village Manager, under the authority of this Section, shall remain in effect until rescinded by the Village Manager or until the next meeting of the Village Council. The Council after review of the temporary restrictions imposed by the Village Manager may continue, amend, modify, or suspend such restrictions by the adoption of a resolution setting forth the nature and duration of such restrictions.

Temporary restrictions imposed by either the Village Manager or by the Village Council under the authority of this Section, shall be effective at the time they are posted in not less than two conspicuous locations at the Village Hall.

The Village Manager or his delegate may enter upon any property where a violation of temporary water use restrictions is believed to exist and may either abate any such violation found or may discontinue water service to that property until such time as the temporary restrictions are removed.

## **Section 18. NOTIFICATION, VIOLATIONS, PENALTY, COSTS**

**Notification.** Where notification is required by this ordinance, such notification shall be in writing. Service must be either in person, to property owner or authorize agent, by first class mail to the last known address of property owner or by posting a notice on the property.

**Civil penalties.** A user who is found to have violated an order of the Village Council or who willfully or negligently failed to comply with any provisions of this ordinance and the orders, rules, regulations and permits issued hereunder, shall be fined two hundred fifty dollars (\$250.00) for each offense. Each day, on which a violation shall occur or continue, shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Village may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation against the person found to have violated this ordinance or the orders, rules, regulations and permits issued hereunder.

**Civil Infraction.** In addition to any civil penalty, any person, corporation or firm, who as a result of violating any provision of this Ordinance, is responsible for a municipal civil infraction and shall pay a civil fine of not less than \$100.00, plus costs and other sanctions for each infraction.

2. Repeat offenses shall be subject to increased fines as set forth below. 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, corporation or firm, within any 30-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 repeat offense shall be no less than \$250.00 plus costs and other sanctions.
- b. The fine for any offense that is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00 plus costs and other sanctions.

3. The foregoing penalties shall not prohibit the Village from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

**Falsifying information.** Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance or who falsified, tampers with or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days or both.

**Severability.** If any provision, paragraph, work, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

**Conflict.** All other ordinances and parts of other ordinances, inconsistent or conflicting with any