

ORDINANCE NO. 351

VILLAGE OF SPRING LAKE WATER ORDINANCE AMENDMENT

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES ADOPTED BY THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA, STATE OF MICHIGAN, AMENDING ARTICLE I, CHAPTER 373 CONCERNING WATER CONNECTIONS AND USE REGULATIONS, AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA AND STATE OF MICHIGAN ORDAINS:

Section 1. Amendment of Chapter 373. Chapter 373 of the Code of Ordinances adopted by the Village of Spring, Ottawa County, State of Michigan, is hereby amended to restate Article I in its entirety as follows:

**Chapter 373 - Water
ARTICLE I
Connections and Use Regulations**

§ 373-1. Definitions. [Amended 5-2-1994 by Ord. No. 211]

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

NORTHWEST OTTAWA WATER SYSTEM – The system to which the Village is connected within the county for providing public source of water to its residents and users.

VILLAGE SYSTEM – All water mains, water supply facilities and their appurtenances, which the Village has or shall have possession of and operating responsibility for (whether owned by the Village or not), either now in existence in the Village or hereafter acquired or constructed in the Village, together with all works, plants, instruments, instrumentalities and properties used or useful in connection with the system, in the obtaining of a water supply or in the treatment or distribution of water, except that of the Northwest Ottawa Water System, and all extensions, enlargements and improvements in the Village.

§ 373-2. Connection to Village system. [Amended 5-2-1994 by Ord. No. 221]

Connection to the Village system, directly or indirectly, and the use of water from the system, for all purposes, shall only be in compliance with this article and in compliance with all standards and applicable regulations of the Village, county and Northwest Ottawa Water System as amended.

§ 373-3. Fiscal year.

The system shall be operated on the basis of a fiscal year beginning July 1 of each year and ending at June 30 of the next year.

§ 373-4. Application to connect.

No connections shall be made to the system without obtaining a permit. Application for such permit shall be made by the premises' title holder or land contract purchaser, and filed with the Village Manager or his or her designee. The Village Manager or his or her designee shall issue such permit when all prescribed conditions have been met. Such permit shall be issued subject to such regulations as may be established and amended by the Village Council.

§ 373-5. Annual report.

The Village shall cause to be maintained and kept proper books of record and account in which shall be made full and correct entries of all transactions relating to the operation of the system. Not less than six months after the close of each fiscal year of the system, the Village shall cause to be prepared a statement in reasonable detail showing the cash income and disbursements of the system at the beginning and close of the operating year and such other information as may be necessary to enable any taxpayer of the Village, user or beneficiary of the service provided by the system to be fully informed as to all matters pertaining to the financial operation of the system during such fiscal year. Such annual statement shall be filed in the office of the Village Clerk/Treasurer, where it will be open to public inspection. The books of record and account shall be audited annually by a certified public accountant to be designated by the Village Council, and a certified copy of such audit shall be filed with the Village Clerk/Treasurer. Such audit may be a part of the general Village audit.

§ 373-6. Public Service Line.

All premises connecting to the system shall be provided with a public service line from the water main to the edge of the street right-of-way or public easement within which the water main is located, as well as a stop box. The Village shall be the owner of the public service line and stop box. The Village shall be responsible for the repair, reconstruction, and replacement of the public service line.

§ 373-7. Work in right-of-way.

All work in the street right-of-way or in public easements, including service lines to the property line, shall be constructed and performed by the Village or its agents or contractors.

§ 373-8. Meters. [Amended 5-2-1994 by Ord. No. 221]

The Village Manager or the Manager's designated representative shall have the right to enter, at any reasonable time, any premises connected to the Village system for the purposes of reading the water meter or otherwise inspecting the piping systems which are connected to the Village system. If any meter shall fail to register properly, the Village shall estimate the amount of water consumed based upon prior billing periods and bill the water customer accordingly. A water customer may request that a water meter be tested for accuracy. If the meter is found accurate within acceptable tolerances, a charge shall be assessed to the water customer. If the meter is found to be inaccurate within the tolerances established, the water meter shall be repaired or a new water meter shall be installed and no charge shall be made to the water customer, either for the test or the meter repair or replacement. The charge provided for in this section may be established at a greater sum by a resolution adopted and amended by the Village Council.

§ 373-9. Customer Service Line.

a. The owner of each premises served by water shall, at the owner's sole expense, construct the customer service line, running from the termination of the public service line to the building, structure or other improvement served with water and shall maintain that line in good condition with no leaks, breaks or other malfunctions. A customer service line which leaks shall be replaced in its entirety in order to avoid future leaks from the already compromised service line. The leaking customer service line may be patched up for up to 90 days, in order to allow the replacement of the customer service line to be accomplished during favorable weather. However, the replacement of the customer service line must occur within 90 days from the discovery of the leak. The customer service line shall be replaced with the use of materials allowed by the system rules and regulations.

b. All repair, reconstruction, and replacement of this customer service line shall be the responsibility of the premise owner. The premise owner shall indemnify the Village and its authorized representatives against any loss or damage, including attorney's fees that may directly or indirectly result from the construction, repair, maintenance, construction, or replacement of the customer service line.

§ 373-10. One service line per premises.

Unless otherwise authorized by the Village Manager in writing, each service line shall serve one premises only.

§ 373-11. Repairs of meter, meter horn or angle valve.

If the meter, meter horn or valves are damaged for any reason, all required repairs and replacements shall be at the expense of the premises' owner. If the meter, meter horn or valves malfunction or are defective, repair or replacement shall be at the expense of the Village.

§ 373.12. Damage to system facilities.

No person, except an employee of the Village or other person duly authorized by the Village, shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the system.

§ 373.13. Fire hydrant use.

No person, except an employee of the Village or other person duly authorized by the Village, shall open or use any fire hydrant, except in case of an emergency, without first securing written permission from the Village Manager and paying such charges as may be prescribed by the Village Manager.

§ 373.14. Water emergency orders.

The Village Manager or the Village President, when the Village Manager is unavailable or unable to act, may, by written order, subject to review and modification or reversal by the Village Council, regulate, limit or prohibit the use of water. Such order may restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial water needs and for fire protection. Notice of the promulgation of any such order shall be published in a newspaper of general circulation in the Village as soon as reasonably possible after promulgation. Violation of such an order shall constitute a violation of this article and shall be subject to the penalties and other remedies prescribed in this article.

§ 373.15. Rules and regulations.

The Village Council may adopt by resolution rules and regulations governing the type and quality of materials and accessories to be used for connection to the system, construction methods for connection to the system, and other operations and maintenance matters pertaining to the system. Violation of any such rules or regulations shall constitute a violation of this article and shall be subject to the penalties and other remedies prescribed in this article.

§ 373.16. Disruption of service.

The Village shall not be liable for any failure or deficiency in the supply of water to water customers, whether occasioned by maintenance or repair of the system, or any other cause.

§ 373.17. Violations and penalties.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in § 1-2. In addition to the penalties set forth in that section, the Village may maintain equitable or legal action available to it for the abatement of any violation of this article.

Section 2. Administrative Liability. No officer, agent, or employee of the Village shall be personally liable for any damages the Village may accrue to any person as a result of any act required or permitted in the discharge of duties under and in the enforcement of this Ordinance.

Section 3. Severability and Captions. This Ordinance and its various sections, subsections, sentences, phrases, and clauses are declared to be severable. If any section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. Pronouns shall be read as masculine, feminine, or neuter as may be appropriate. Captions appearing at the beginning of any section shall not be deemed as part of this Ordinance and shall have no independent significance.

Section 4. Repeal. All ordinances or parts of ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of its effective date are repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall take effect upon publication.

VILLAGE OF SPRING LAKE

Dated: _____, 2018

By: _____
Mark Powers
Its: President

By: _____
Marvin Hinga
Its: Clerk

CERTIFICATE

I, Marvin Hinga, the Clerk/Treasurer for the Village of Spring Lake, Ottawa County, Michigan, certify that the foregoing Spring Lake Village Parking Ordinance was adopted at a regular meeting of the Village Council held on October 15, 2018. The following members of the Village Council were present at that meeting: Duer, Miller, Petrus, Powers, TePastte and Van Strate. The following members of the Village Council were absent: Hanks. The Ordinance was adopted by the Village Council with members of the Council Duer, Miller, Petrus, Powers, TePastte and Van Strate voting in favor, and no members of the Council voting in opposition. Notice of Adoption of the Ordinance was published in *The Grand Haven Tribune* on _____, 2018.

Marvin Hinga, Clerk/Treasurer
Village of Spring Lake