

## **CHAPTER 2 UTILITIES**

### **2.1 THE VILLAGE OF CENTRAL LAKE ORDAINS:**

The following terms and conditions of water service, rules, regulations and rates are effective July 10, 2000 07/10/2000.

- (1) All applications for use of Village water and connections to Village water mains shall be made at the office of the Village Treasurer/Clerk.
- (2) Applications shall state in full detail the purpose for which the supply is required, the correct address, lot number or numbers or any other information required. A water contract shall be signed at the time the applicant applies for water service.
- (3) Where water service is requested and no water main is now available, such mains will be extended only upon payment of the complete cost by the party requesting such extension and by approval of the Village Council. Water mains can be extended at the Village's expense if it is to the Village's advantage. Such extensions shall be made by the Village or under its direct supervision and shall thereafter become Village property, the Village assuming all responsibility thereafter for its maintenance.
- (4) On all paved streets where water main is under pavements and it is necessary to break same in order to tap the main and make service pipe connections, a charge for the cost of repairs shall be made in addition to the regular service charge.
- (5) All service connections and service pipes from the Village main to lot lines shall be installed by properly authorized employees of the Water Department. All connections shall conform to the specifications of the A.W.W.A. standard. Before receiving a service connection, there must be paid such sums as the Water Commission shall require covering the expense of installing same.
- (6) No person, other than proper employees of the Village of Central Lake, shall open or close any valves in the main nor molest nor interfere with any valve or valve box cover.
- (7) Each dwelling, place of business or water user must have a separate connection to the main. No connections shall be taken off service lines ahead of the water meter. All service pipes from property line to meter must be exposed at each end for inspection by the Water Department before connection to the main is made.
- (8) Each water account number shall be furnished with a meter. Where a large meter is required, the applicant/property owner shall pay the difference in cost. Where multiple units are supplied by one service, each unit shall have a base minimum rate billed to the property owner.

(9) The owner of any premises where a meter is installed shall be held responsible or its care.

(10). Rates, fees and late charges:

- A. The Village Council shall from time to time establish by separate resolution the fees to be charged for new water service, water meters, rates for water usage and the fees and rates for other services performed under this chapter.
- B. One voluntary water turn on and turn off is allowed per calendar year at no additional cost for service. Each additional turn on/turn off shall be charged at a rate determined by resolution of the Village Council.
- C. Meters shall be read in January, April, July and October unless weather prohibits.
- D. Users shall be billed four (4) times yearly – the first working day in February, May, August and November. There shall be a service charge of ten percent (10%) of the unpaid amount to all water accounts not paid on or before the due date. The due dates shall be March 1<sup>st</sup>, June 1<sup>st</sup>, September 1<sup>st</sup> and December 1<sup>st</sup>.
- E. The charges and rates for water services authorized under the provisions of Section 21 of Act 94 of the Public Acts of 1933, as amended, shall constitute a lien on all premises serviced thereby whenever any such charges or rates shall be delinquent for six (6) months or more, unless notice is given that a tenant is responsible for the payment of all such charges and rates. On June 1<sup>st</sup> of each year, the Village Treasurer shall certify the fact of such delinquency, together with penalties and interest accrued thereon to the Village Council which shall cause such delinquent amount to be entered upon the next Village tax roll against the premises in respect of which such unpaid charges have been imposed and shall be collected and the lien thereof enforced in the same manner as general taxes against such premises; provided, however, where notice is given that a tenant is responsible for such charges and service as provided by Section 21 of Act 94 of the Public Acts of 1933, as amended, no further service shall be rendered to such premises until a cash deposit in an amount established by resolution of the Village Council shall have been made as security for the payment of such charges and service.
- F. In addition, the Village shall have the right to shut off water service to any user for whom charges for water service are one month delinquent or when any connection is found to be in violation of any provision of this chapter. Before shutting off water service, the Village Treasurer

shall send written notice by first class mail of the Village's intent to terminate water service to the owner of the premises served or to the tenant in possession where a notice is given that the tenant is responsible for such charges and service. If water service is shut off pursuant to this subsection, such service shall not be reestablished until all delinquent charges and penalties and a turn on charge, to be specified by resolution of the Village Council, have been paid or the unlawful connection is eliminated. Further, the Village may recover such charges and penalties by court action.

- G. Property owners are responsible for payment of any water usage beyond the Village curb stop (shutoff valve). Property owners shall notify the Water Department in the event of a change of ownership.
  - H. In the event of a run water advisory, if the council votes to credit accounts, the Village will credit water accounts one-hundred fifty (150) gallons of water per day times (x) the amount of day's times (x) the cost per one-thousand (1000) gallons of water.
11. The owners of any premises outside the Village limits of Central Lake, but supplied by water service shall pay Sixty Dollars (\$60.00) per year plus the regular usage rate.
  12. Where meters are not registering at the time of the reading, the water usage shall be based on the previous twelve (12) months usage and billed accordingly.
  13. If there is evidence of meter tampering or disconnection, water usage shall be based on the previous twelve (12) months usage.
  14. When a property comes under new ownership, it is the responsibility of the new owner to notify the Village office of the change. Failure to do so will result in a notice being posted on the door of the residence or other building(s) having utility service(s). If the owner of the property or the owner's representative does not respond to the notice within thirty (30) days, the water service shall be shut off, a turn off fee, as determined by resolution of the Village Council shall be charged and the water service shall not be turned on again until a turn on fee as determined by resolution of the Village Council is paid.
  15. Authorized employees of the Village shall have the right to enter at all reasonable hours upon any property connected to the waterworks system for the purpose of reading water meters.
  16. Inaccurate Meters – A consumer may require that the meter be tested. If the meter is found accurate, a charge as established by resolution of the Village Council shall be made. If the meter is found defective, a new meter will be installed and no charge will be made.

17. Lawn Sprinkling – The Superintendent of the Department, subject to approval by the Village President, may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply of water for essential domestic and commercial needs and for fire protection. No such regulation, limitation or prohibition shall be effective until twenty four (24) hours after publication of such regulation, limitation or prohibition either in a newspaper of general circulation in the Village or posting in three (3) places within the Village. Any person who shall violate any provision of this section shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101 – 600.9939 of Michigan Compiled Laws and shall be subject to a fine of not more than Five Hundred Dollars (\$500.00). Each day this section is violated shall be considered as a separate violation. The Village Code Enforcement Officer is hereby designated as the authorized Village official to issue municipal civil infraction citations directing alleged violators of this section to appear in court.

**2.2 THIS ORDINANCE WILL REPEAL CHAPTER 2.2 AND 2.21 OF CHAPTER 2 UTILITIES OF THE VILLAGE CODE WHICH WAS EFFECTIVE JULY 10, 2000. IN ITS ENTIRETY AND SHALL BE REPLACED WITH ORDINANCE NO. 1 OF 2012 ENTITLED CROSS CONNECTION.**

An Ordinance regulating cross connections with the public water supply system, i.e. a connection or arrangement of piping or appurtenances through which water of questionable quality, wastes other contaminants can enter the public water supply system.

Be it ordained by the Central Lake Village Council and Central Lake Water Department, State of Michigan:

**Section 1.** That the Village of Central Lake adopts by reference, the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality being R 325.114-1 to R 325.11407 of the Michigan Administrative Code.

**Section 2.** That it shall be the duty of the Central Lake Water Department to cause inspections to be made of all properties served by the public water supply where cross connection with the public water supply is deemed possible. The frequency of inspections and re-inspections base on potential health hazard involved shall be as established by the Central Lake Water Department and as approved by the Michigan Department of Environmental Quality.

**Section 3.** That the representative of the Central Lake 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 Village of Central Lake for the purpose of inspecting the piping system of 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 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 connection.

**Section 4.** That the Central Lake Water Department 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 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 been eliminated in compliance with the provisions of the Ordinance.

**Section 5.** 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 Central Lake Water Department and in accordance with the Michigan Department of Environmental Quality requirements. Only individuals that hold a valid Michigan plumbing license and have successfully passed an approved backflow testing class shall perform such testing. Each tester shall also be approved by the Village of Central Lake Water Department. Individual(s) performing assembly testing shall certify the results of his/her testing.

**Section 6.** 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 and the Village of Central Lake. Any water outlet which could be used for potable or domestics purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

<p><b>WATER UNSAFE</b></p> <p><b>FOR DRINKING</b></p>
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**Section 7.** That this Ordinance does not superseded the State Plumbing Code and the Village of Central Lake Ordinance No. 2.1 of 2000, but is supplementary to them.

**Section 8.** That any person or customer found guilty of violating any of the provisions of this Ordinance or any written order of the Village of Central Lake Water Department in pursuance thereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than

Five Hundred Dollars (\$500.00) for each violation. Each day upon which a violation of the provisions of this Act shall occur shall be deemed a separate and additional violation for the purpose of this Ordinance.

## **CROSS CONNECTION CONTROL PROGRAM FOR THE VILLAGE OF CENTRAL LAKE, MICHIGAN**

### **(1) INTRODUCTION**

In accordance with the requirements set forth by the Michigan Department of Environmental Quality (MDEQ), the Village of Central Lake has officially adopted the State of Michigan Cross Connection Rules to protect the public water supply system. A cross connection is defined as a connection or arrangements of piping or appurtenances through which a backflow could occur. Backflow is defined as the undesirable reversal of flow of water of questionable quality, waste or other contaminants into a public water supply. The purpose of this program is to avoid contamination of the public water supply by preventing and eliminating cross connections. It is the intend of the Village of Central Lake to carry out a comprehensive and effective cross connection control program (CCCP) to ensure public health is protected and the requirements of the Michigan Safe Drinking Water Act are complied with.

### **(2) AUTHORITY**

The authority to carry out and enforce the local CCCP is provided from local Ordinance No. 1 of 2012, the Michigan Safe Drinking Water Act (Act 339), the MDEQ, Water Bureau Cross Connection Rules Manual and the Michigan Plumbing Code.

### **(3) PROGRAM APPROACH**

The objectives of this Program will be met primarily by:

- Routinely inspecting water customers for cross connections or potential cross connections
- Requiring water customers to test backflow prevention assemblies
- Maintaining cross connection control records
- Actively enforcing violations of the Program
- Providing public education
- Reporting the status of the Program to MDEQ

The Village of Central Lake shall ensure that there are adequate personnel and resources to carry out the necessary field and administrative requirements for this Program. The Village of Central Lake adopts the MDEQ, Water Bureau Cross Connection Rules Manual as a guide to prevent and eliminate cross connection.

### **(4) INSPECTIONS**

The water connections and plumbing system of all water customers or accounts shall be initially inspected for the presence of cross connections. As a result of the initial inspections, a detailed record of each account shall be established. A representative of

the water utility or their designated agent shall be responsible for inspections. Individual responsible for conducting inspections shall have obtained sufficient training on cross connection rules, identification and corrective actions.

Inspections shall consist of entering a facility from the point where water service enters the facility (usually the meter) and tracing the piping to each end point of use. Using the inspection forms, the inspector shall identify and note the location and nature of any direct and potential cross connections, location and details of backflow prevention devices and other pertinent information. Inspectors having proper identification shall be permitted to enter the building/premises at reasonable times for the purpose of cross connection inspections. If the inspector is refused proper access or if customer plumbing is untraceable, the Village of Central Lake will access a cross connection is present and take the necessary action to ensure the public water supply is protected.

The highest priority for inspections shall be placed on facilities that pose a high degree of hazard, that have a high probability that backflow will occur or are known/suspected to have cross connections.

Once initial inspections of all accounts are completed, then a re-inspection frequency shall be determined for each account based on the degree of hazard and potential for backflow. The MDEQ Cross Connection Rules Manual will be a guide in classifying the degree of hazard of each account. However, in general, situations in which backflow could cause illness or death shall be considered a high hazard. Accounts that pose a high hazard or have a high potential for backflow to occur must be re-inspected at least once per year. All other accounts must be re-inspected once every one (1) to three (3) years based on the degree of risk. Other factors such as new construction, water quality complaints or anomalies in customer billing prompt an immediate re-inspection. After initial cross connection inspections are complete, a comprehensive list or inventory of all backflow prevention devices shall be on record including all pertinent data.

Following an inspection, the Village of Central Lake shall inform the customer of their compliance status with the cross connection rules. Template notices in Appendix D may be used to inform customers of upcoming inspections, required corrective actions, compliance status, etc.

#### **(5) TESTING BACKFLOW PREVENTION ASSEMBLIES**

When all initial inspections have been completed, a comprehensive list of backflow preventers installed on customers plumbing systems will be on record. The backflow preventers that are testable assemblies shall be placed on a routine testing schedule. Based on the associated degree of hazard and provability of backflow, each assembly will be assigned a testing frequency. Assemblies in place on high hazard connections must be tested annually. All other accounts must be tested once every three (3) years. In addition, all assemblies must be tested immediately following installation and repair.

Upon notice from the Village of Central Lake, it shall be the responsibility of the water customer to arrange for the assembly to be tested and submit the completed test form.

Following the initial cross connection inspections and subsequent classification of accounts (e.g. assigning a degree of hazard), assembly testing notices shall be sent to customers each year. The notices shall be sent out in a timely manner in order to provide adequate time for customers to comply and the timing will consider seasonal assemblies. Template notices in Appendix D may be used to inform customers of testing requirements. These notices will:

- Clearly identify the assembly requiring testing (size, make, model, location, etc.)
- Stipulate the date by which the assembly must be tested
- Indicate that test must be completed by a certified tester. A list of approved testers may be provided and updated lists may be obtained for the DEQ
- Enclose a standard test form (see Appendix D)

When assembly testing reports are received by the utility, they will be checked for the following:

- All the necessary information was provided
- Name and certification number of the testing is provided
- The test results appear valid
- The assembly tested matches the assembly requiring testing (make, model, etc.)
- The assembly is ASSE certified

Cross connection program staff will follow up with owners or tester on questionable tests forms. A customer may be asked to have an assembly retested if the original test results do not appear valid. Test forms must be received and kept on record for each required test.

## **(6) RECORD KEEPING**

A system of cross connection record keeping shall be maintained. Special software specifically for cross connections may be used for:

- Efficient record searches
- Easy reporting
- Simply updating
- Automatic letter generation
- Automatic deadline notification

All cross connections accounts information must be in the records including:

- Address and location
- Owners name and contact information
- List of testable assemblies
- Description of other cross connection within the facility
  - Air gaps
  - Non-testable assemblies
- Degree of hazard classification and basis



- Required re-inspection frequency
- Photos or sketches, if available

All testable assemblies must be in the record including:

- Location of the assembly
- Name and contact information of assembly owner
- Make, model and size of assembly
- ASSE standard number
- Degree of hazard classification
- Required testing frequency and basis
- Seasonal or permanent status

Tracking changes in water use or tracking new customers is a critical part of the cross connection program. The Village of Central Lake shall make every attempt to prevent/eliminate cross connection at installation to ensure future compliance. An effort shall be made to cooperate and communicate with the local plumbing code inspector to better accomplish this goal.

Standard letter, form and reporting templates may be used to simplify the program requirements including:

- Inspection forms
- Assembly testing forms
- Inspection and/or assembly testing notification letters
- Non-compliance letters
- Water service termination notice
- Hydrant use authorization forms

Copies of the written Cross Connection Control Program. Ordinance and DEQ approval letter should be kept on file. Copies of the MDEQ Annual Reports shall be kept for a minimum of ten (10) years.

## **(7) ENFORCEMENT**

To protect public health, water customers found to be in violation of the cross connection rules will be brought into compliance in a timely manner or lose their privilege to be connected to the public water system. To properly enforce these rules, the Village of Central Lake Ordinance provides authority to inspect facilities, terminate water service and assess fines.

Following an inspection, the customer will be sent either a compliance notice or a non-compliance notice. The timeframe to complete the necessary corrective actions is at the discretion of the utility and will be based primarily on the degree of risk posed by the

violation, but also consider the complexity/cost of the necessary corrective action. Cross connections that pose an imminent and extreme hazard shall be disconnected immediately and so maintained until proper protection is in place. Cross connections that do not pose an imminent and extreme hazard are generally expected to be eliminated with thirty (30) to sixty (60) days. The necessary corrective action and deadline shall be described in the non-compliance notice to the customer.

If water shut off is necessary to protect the public water system, the local health department, fire department, local law enforcement and the Village President may need to be notified.

## **(8) PUBLIC EDUCATION**

The Cross Connection Control Program Staff must have a good understanding of the Program. The Village of Central Lake shall ensure their cross connection control staff receives proper in-the-field training as well as classroom education focusing on terminology, backflow prevention devices, regulations and hydrant concepts. In addition, cross connection control staff will be encouraged to receive continuing education to be made aware of new backflow prevention devices, regulation changes (i.e. plumbing code updates), new water use devices that pose cross connection concerns, etc.

Furthermore, attempts to educate the public about cross connections will be made by distributing pamphlets on common residential cross connection, visiting schools, providing onsite education of facility management and maintenance staff during routine inspections, speaking at condominium association meetings, showing videos on local access channels or posing newspaper announcements. Cross connection staff shall also be available upon request to provide backflow prevention education to pertinent community officials and Village and/or Township employees.

## **(9) ANNUAL REPORT**

Part 14 of the Michigan Safe Drinking Water Act requires that each community report the status of their Program to the MDEQ annually. The report summarizes testing, inspections and corrective action efforts. Cross connection records shall be on file to document each number on the report. The annual report form shall be filled out completely and submitted by the deadline. A narrative description shall be included explaining any unusual number or significant events such as:

- The addition or loss of a cross connection staff person
- Greatly expanded/contracted number of cross connection accounts
- Status of accounts not currently in compliance

**2.3** An ordinance regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers and the discharge of waters and wastes into the Village of Central Lake sewage system and providing penalties for violations thereof in the Village of Central Lake, County of Antrim, State of Michigan.

**BE IT ORDAINED AND ENACTED BY THE VILLAGE COUNCIL OF THE VILLAGE OF CENTRAL LAKE, ANTRIM COUNTY, STATE OF MICHIGAN, AS FOLLOWS:**

**ARTICLE I: DEFINITIONS:**

- (1) "Village" shall mean the Village of Central Lake acting through the Village Council or its authorized agents
- (2) "Inspector" shall mean any person or persons authorized by the Village to inspect and approve the installation of building sewers and their connection to the public sewer system.
- (3) "Step system" shall mean a septic tank into which a building sewer directly discharges and shall be considered a part of the public sewer. Step system shall include the effluent pumping system for those premises requiring a pump to connect to the system.
- (4) "Operator" shall mean the agent of the Village designated as being responsible for the operation of the sewage treatment works or public sewers.
- (5) "Owner" shall mean a property owner desiring or required to connect to a public sewer.
- (6) "Premises" shall mean any land or improvement to land registered as a separate parcel or lot on the tax or real estate records or having a separate street number, postal box number or apartment or unit number.
- (7) "Public sewer" shall mean the Village of Central Lake Sewage Disposal System and shall consist of facilities located in publicly owned areas or easement and the step system.
- (8) "Building Sewer" shall mean the buried piping between the building and the step system.

**ARTICLE II: USE OF THE PUBLIC SEWERS REQUIRED**

- (1) It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the Village of Central Lake any human excrement, garbage or other objectionable waste.
- (2) It shall be unlawful to discharge to any natural outlet within the Village any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- (3) The owner of all premises used for human occupancy, employment, recreation or other purposes from which sewage is likely to be discharged, situated within the Village and abutting on any street, alley or right of way which is within the service area of the Village of Central Lake Sewage Disposal System is hereby

required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance within twelve (12) months after date of official notice to do so provided that any part of said public sewer is within two hundred (200) feet of the structure within which such facilities are located.

- (4) Upon connection to the public sewer, any private sewage disposal facilities not part of the public sewer, such as septic tanks, dry wells or cesspools shall be abandoned and filled with suitable materials.

### **ARTICLE III BUILDING SEWERS, STEP SYSTEM AND CONNECTIONS**

- (1) No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village.
- (2) The owner or his agent shall secure an installation permit for the step system from the Village. A permit and inspection fee, as set by the resolution of the Village Council, shall be paid at the time the permit is requested.
- (3) All costs and expenses incident to the installation and connection of the building sewer and the septic tank and effluent pumping system (STE) as part of the public sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewers or step system.
- (4) Existing building sewers and septic tanks may be used only when they are found on examination and test by the inspector or his representative to meet all requirements of this ordinance.
- (5) The size, slope, alignment, material or construction of a building sewer and the step system and the methods to be used in excavating, placing of the pipe, wet wall, pumping controls and jointing, testing and backfilling, shall conform to the requirements of the building and plumbing code of the Village or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the American Society for Testing Materials (A.S.T.M.) and the Water Pollution Control Federation (W.P.C.F.) Manual of Practices No. 9 shall all apply.
- (6) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer.
- (7) The connection of the building sewer and the step system into the rest of the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village or the procedures set forth in appropriate specifications which shall require that the connections

shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the inspector or his representative before installation.

- (8) The applicant for the connection permit shall notify the Village when the building sewer and step system are ready for inspection and connection as part of the public sewer. The connection shall be made under the supervision of the inspector or his representative.
- (9) All excavating for building sewer and step system installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.
- (10) No connection will be allowed unless there is capacity available in downstream sewers, pump station, interceptors force mains and treatment plan including capacity for B.O.D. and suspended solids in the treatment plant.

#### **ARTICLE IV USE OF THE PUBLIC SEWERS**

- (1) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff or subsurface drainage to any public sewer.
- (2) No person shall discharge waters or wastes containing substances which clog or damage the step system, the collection system or the sewage treatment facility. Such substances include, but are not limited to, the following: improperly shredded garbage (greater than  $\frac{1}{2}$  (one half inch) in size, insoluble solid or viscous substance such as sand, straw, metal shavings, glass, tar, feathers, plastic, wood, hair, fleshings, grease, oil, wax or clothing.

#### **ARTICLE V PROTECTION FROM DAMAGE**

- (1) No person shall maliciously, willfully or negligently break damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the public sewer.

#### **ARTICLE VI POWERS AND AUTHORITY OF INSPECTORS**

- (1) The inspector, operator and other duly authorized employees or agents of the Village, bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of operating and maintaining the step units and for inspection, observations, measurements, sampling and testing in accordance with the provisions of this ordinance.

#### **ARTICLE VII CONDITIONS OF SERVICE**

- (1) At the time of original construction, the Village shall install the collecting sewers and the step system to be constructed on premises within the initial service area of the public sewer system.
- (2) At the time of connection to the sewer, the owner shall install, at his expense, in strict accordance with the Village regulations and specifications, the building sewer to the step system. The owner shall maintain, at his expense, the building sewer. If an effluent pumping unit is necessary for connection to the system, the owner shall also provide power for the pump and pay power costs for operating the pump. The Village shall have right of access to the step system and service lead for purposes of operation and maintenance.
- (3) The owner of any premises connecting to the system after the original construction or not charged initially on the Sewer Special Assessment Roll shall install, at his expense, in strict accordance with Village regulations and specifications the building sewer to the step system, the step system and the service lead and stub connecting to the sewer together with all appurtenances. At the time of connection to the collection system, the step system and service lead shall become part of the public sewer and shall be operated, maintained and replaced if necessary by the Village.
- (4) The Village shall in no event be held responsible for claims made against it by reason of the breaking of any mains or service laterals or by reason of any other interruption of the service caused by breaking of machinery, stoppages or necessary repairs and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.
- (5) The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the Village.
- (6) The Village Council may by resolution expand the initial service area and extend the sewer system provided the premises in the new service are shall be subject to the charges specified herein.

#### **ARTICLE VIII CHARGES AND RATES**

- (1) The term "unit" shall represent the quantity of sanitary sewage ordinarily arising from the occupancy of a residential building by a single family of ordinary size. The number of units to be assigned to any premises in the Village shall be determined by the Village Council based on available studies and actual operating experience. The Village may, if the circumstances justify, assign more than one unit to a dwelling occupied by a single family. No less than one unit shall be assigned to each premises and for purposes of computing the trunkage fee, fractions of units in excess of one (1) may be computed and assigned to the nearest hundredth. Once any premises has been connected and assigned one or more units, subsequent changes in the character or the use or type of occupancy of said premises (including destruction, removal or abandonment of

any or all improvements thereon) shall not abate the obligation to continue the payment of the charges to said premises for the number of units assigned to said premises as hereinafter provided. If subsequent changes in the character of the use or type of occupancy of such premises at any time increase the amount of sanitary sewage originating from the premises, the Village Council shall increase the number of units assigned to said premises and thereupon the appropriate fees chargeable to such premises shall be increased at the unit rates specified in Sec. 2.38 (subject to the escalation clauses as therein provided) which increased fee shall be payable in cash as of the date any construction or other permit is issued by the Village for an improvement which will result in such change in the character of use or type of occupancy or if no permit is issued or required as of the date such change in the character of use or occupancy occurs.

**ARTICLE IX      PENALTIES**

- (1) Any person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for a period not to exceed ninety (90) days. A violation of this ordinance is also declared to be a public nuisance and the Village may enforce same by injunction or other remedy including the right to correct the violation and bill the owner or person in charge of the premises therefore. The bill may be collected in the same manner as sewer use charges against the premises.
- (2) Any individual violating any of the provisions of this ordinance which results in fines or penalties being levied against the Village shall become liable for said fine or penalty plus any expense, loss or damage occasioned by such violation. This fine or penalty plus expenses would be levied in addition to the fine identified in 2.38, No. 1 and may be collected in the same manner.

**ARTICLE X      VALIDITY**

- (1) All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- (2) The validity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

**ARTICLE XI      ORDINANCE IN FORCE**

- (1) This ordinance shall be in full force and effect from and after its passage, approval, recording and publication provided by law.

Made and passed by the Village Council of Central Lake, County of Antrim, Michigan this 22<sup>nd</sup> day of June, 1987.

Amended: January 11, 1988

**ARTICLE VIII CHARGES AND RATES**

- (1) Monthly Service Charge: Customers paying on a gravity system will pay Eight Dollars and 16/100 (\$8.16) per unit, per month and customers served by an individual pumping system will pay Sixteen\_Dollars and 00/100 (\$16.00) per unit per month.

Amended: November 11, 1997

**ARTICLE IX OF THE VILLAGE OF CENTRAL LAKE ORDINANCE IS HEREBY AMENDED TO READ IN ITS ENTIRETY AS FOLLOWS:**

- (1) A violation of this ordinance is deemed to be a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare. Nothing in this ordinance shall prohibit the Village from seeking injunctive relief to abate a nuisance or continuing violation of this ordinance.
- (2) Any person who shall violate any provision of this ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961 being Sections 600.101 – 600.9939 of Michigan Compiled Laws and shall be subject to a fine of not more than Five Hundred Dollars (\$500.00). Each day this ordinance is violated shall be considered as a separate violation.



**2.4 AN ORDINANCE PROHIBITING THE INSTALLATION OF DRINKING WATER SUPPLY WELLS ON ALL PROPERTY IN THE RESTRICTED AREA IN AND AROUND THE PATH OF WASTEWATER EFFLUENT FROM THE WASTEWATER TREATMENT FACILITY WITHIN THE VILLAGE LIMITS IN THE VILLAGE OF CENTRAL LAKE, COUNTY OF ANTRIM, STATE OF MICHIGAN**

Be it ordained and enacted by the Village Council of the Village of Central Lake, Antrim County, State of Michigan, as follows:

**ARTICLE I: DEFINITIONS:**

**Section 1:** "Village" shall mean the Village of Central Lake acting through the Village Council or its authorized agents.

**Section 2:** "Restricted Area" shall mean all property within the Village limits, westerly of Hanley Lake and north of the centerline of Cedar Street, identified in Exhibit A.

**Section 3:** "Owner" shall mean all persons owning property in the affected area.

**Section 4:** "Drinking Water" shall mean any water that is used for consumption.

**Section 5:** "Drinking Water Supply Well" shall mean any well that is drilled, driven or dug for the production and use of drinking water.

**Section 6:** "Public Water" shall mean the Village of Central Lake Water System.

**Section 7:** "Wastewater Treatment Facility" shall mean the Village of Central Lake Wastewater Treatment Facility.

**Section 8:** "Premises" shall mean any land or improvement to land registered as a separate parcel or lot on the tax or real estate records or having a separate street number, postal box number, apartment number or unit number.

**ARTICLE II: USE OF PUBLIC WATER REQUIRED**

**Section 1:** It shall be unlawful for any person to install or operate a Drinking Water Supply Well in the Restricted Area within the Village limits of the Village of Central Lake.

**Section 2:** Groundwater in the Restricted Area, east and northeast of the Wastewater Treatment Facility may not be usable as Drinking Water for human consumption.

**Section 3:** The Owner or his agent shall secure a written installation permit from the Village prior to connection to Public Water.

**ARTICLE III: PENALTIES**

**Section 1:** A violation of this Ordinance is declared to be a public safety hazard. The Village may enforce the same by injunction or other remedy, including the right to correct the violation and bill the owner or person in charge of the premises therefore.

**Section 2:** Any group or individual violating any of the provisions of this Ordinance which results in fines or penalties being levied against the Village, shall become liable for said fines or penalties plus any expenses, loss or damage occasioned by such violation.

**ARTICLE IV: VALIDITY**

**Section 1:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 2:** This invalidity of any section, clause, sentence or provision of the Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

**ARTICLE V: ORDINANCE IN FORCE**

**Section 1:** This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

*Made and passed by the Village Council of the Village of Central Lake, County of Antrim, Michigan this 12<sup>th</sup> day of March, 2001.*

**2.5 AN ORDINANCE GRANTING TO CONSUMERS POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER AND AUTHORITY TO CONSTRUCT, MAINTAIN AND COMMERCIALY USE ELECTRIC LINES CONSISTING OF TOWERS, MASTS, POLES, CROSS ARMS, GUY, BRACES, FEEDERS, TRANSMISSION AND DISTRIBUTION WIRES, TRANSFORMERS AND OTHER ELECTRICAL APPLICANCES ON, UNDER, ALONG AND ACROSS THE HIGHWAYS, STREETS, ALLEYS, BRIDGES AND OTHER PUBLIC PLACES AND TO DO A LOCAL ELECTRIC BUSINESS IN THE VILLAGE OF CENTRAL LAKE, ANTRIM COUNTY, MICHIGAN FOR A PERIOD OF THIRTY (30) YEARS.**

**THE VILLAGE OF CENTRAL LAKE ORDAINS:**

**Section. 1: Grant Term:**

That wherever the word "Grantee" appears in the Ordinance, it is hereby intended to designate and shall be held to refer to the Consumers Power Company, a Michigan corporation, its successors and assigns. The right, power and authority is hereby granted and vested in said Grantee to construct, maintain and commercially use electric lines, consisting of towers, masts, poles, cross arms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places and to do electric

business in the Village of Central Lake, Antrim County, Michigan, for a period of thirty (30) years.

**Section 2: Consideration:**

In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

**Section 3: Conditions:**

No highway, street, alley, bridge or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair and shall be restored to the same good order and condition as when such work was commenced. All towers, mast, poles and other supports shall be set and all wires shall be suspended or buried in a careful and proper manner so as not to injure persons or property. The Grantee shall have the right to trim trees as necessary in the conducting of such business subject, however, to the supervision of the Village Superintendent of the D.P.W. of the Village.

**Section 4: Hold Harmless:**

The Grantee shall at all times keep and save the Village free and harmless from all loss, costs and damage to which it may be subject by reason of the negligent construction and maintenance of the towers, masts, poles, wires and other structures and appliances, the erection, burial and maintenance of which are hereby authorized.

**Section 5: Rates:**

The Grantee shall be entitled to charge the inhabitants of said Village for electric energy for light, heat and power, the rates as approved by the Michigan Public Service Commission. Said rate shall be subject to review and change at any time by the Michigan Public Service Commission or its successors, upon proper application by either said Grantee or the Village, acting by the Village Council, being made thereto, and the regularly filed rate as approved by said Michigan Public Service Commission or its successors as applicable to said Village of Central Lake shall at all times be the lawful rates. All bills for electric energy shall be payable monthly. The Grantee may collect the minimum charge as specified in said schedule. It shall also furnish and maintain commercially accurate meters to measure the energy furnished. Said Grantee, shall, at all reasonable times, have access to the premises of its customers for the purpose of reading, inspecting, removing and replacing such meters.

**Section 6: Franchise not Exclusive:**

The rights, power and authority herein granted are not exclusive.

**Section 7: Revocation:**

The franchise granted by this Ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

**Section 8: Michigan Public Service Commission, Jurisdiction:**

Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Village.

**Section 9: Effective Date:**

This Ordinance shall take effect immediately after the date of publication thereof, provided, however, it shall cease and be of no effect after thirty (30) days from its adoption, unless within said period the Grantee shall accept the same in writing filed with the Village Clerk. Upon the acceptance and publication thereof, this Ordinance shall constitute a contract between said Village and said Grantee. We hereby certify that the foregoing Ordinance was duly enacted by the Village Council of the Village of Central Lake, Antrim County, Michigan, on the 26<sup>th</sup> day of October, 1987.

**2.6 MICHIGAN CONSOLIDATED GAS FRANCHISE ORDINANCE**

AN ORDINANCE, GRANTING TO MICHIGAN CONSOLIDATED GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER AND AUTHORITY TO LAY, MAINTAIN AND OPERATE GAS MAINS, PIPES AND SERVICES ON, ALONG, ACROSS AND UNDER THE HIGHWAYS, STREETS, ALLEYS, BRIDGES AND OTHER PUBLIC RIGHTS OF WAY AND TO DO A LOCAL GAS BUSINESS IN THE VILLAGE OF CENTRAL LAKE, ANTRIM COUNTY, MICHIGAN FOR A PERIOD OF THIRTY (30) YEARS.

**THE VILLAGE OF CENTRAL LAKE ORDAINS:**

**Section 1: Grant of Gas Franchise and Consent to Laying of Pipes, etc.:**

Subject to all the terms and conditions mentioned in this Ordinance, consent is hereby given to Michigan Consolidated Gas Company, a corporation organized under the laws of the State of Michigan (the "Company") and to its successors and assigns to lay, maintain, operate and use gas pipes, mains, conductors, service pipes and other necessary equipment in the highways, streets, alleys and other public rights-of-way in the Village of Central Lake, Antrim County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Village of Central Lake for the purposes of conveying gas into and through and supplying and selling gas in said Village of Central Lake and in all other matters incidental thereto.

**Section 2: Gas Service and Extension of System:**

If the provisions and conditions herein contained are accepted by the Company, as in Section 6 herein provided, then the Company shall furnish gas to applicants residing therein in accordance with applicable rules and regulations; and provided further that such initial installations shall be subject to the Main Extension Provisions, the Area Expansion Program Provisions (if and where

applicable) and other applicable provisions nor or, from time to time hereafter contained in the Company's Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

**Section 3: Use of Streets and Other Public Places:**

The Company, its successors and assigns shall not unnecessarily obstruct the passage of any of the highways, streets, alleys or other public places within said Village of Central Lake and shall, within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and assigns shall use due care in exercising the privileges herein contained and shall be liable to said Village for all damages and costs which may be recovered against said Village arising from the default, carelessness or negligence of the Company or its officers, agents and servants.

No road, street, alley or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commission or the Village Council or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioner or the Village Council or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

**Section 4: Regulations and Rates:**

The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by the statute and the rates to be charged for gas and the standards and conditions of service and operation hereunder shall be the same as set forth in the Company's schedule of rules, regulations and rates as applicable in the several cities, villages and townships in which the Company is now rendering gas service or as hereafter shall be validly prescribed for the Village of Central Lake under the orders, rules and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

**Section 5: Successors and Assigns:**

The words "Michigan Consolidated Gas Company" and "the Company" whenever used herein are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns whether expressed or not.

**Section 6: Effective Date; Terms of Franchise Ordinance; Acceptance by Company:**

This Ordinance shall take effect the day following the publication thereof, which publication shall be made within fifteen (15) days after the date of its adoption and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the Village of Central Lake at any time during said thirty (30) year period; provided, however, that when this Ordinance shall become effective, the Village Clerk shall deliver to the Company a certified copy of the

Ordinance accompanied by written evidence of publication and recording thereof as required by law and the Company shall, sixty (60) days after receipt of the above documents file with the Village Clerk its written acceptance of the conditions and provisions hereof.

**Section 7: Effect and Interpretation of Ordinance:**

All ordinances and resolutions and parts thereof which conflict with any of the terms of this Ordinance are hereby rescinded. In the case of conflict between this Ordinance and any such ordinances or resolutions, this Ordinance shall control. The catch line headings which precede each section of this Ordinance are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this Ordinance.

**2.7 TO PROVIDE CABLE TELEVISION IN CENTRAL LAKE**

The Village of Central Lake does hereby grant to Great Lakes Cable Company, with its principal office in Elk Rapids, Michigan, the right, franchise and authority to construct, operate, repair, replace and maintain a community antenna television system in the Village of Central Lake, Antrim County, Michigan for a period of fifteen (15) years from the date hereof.

A complete copy of the Franchise Agreement is on file at the Village Clerk's Office.