

CHAPTER 2046 - WATER SERVICE

1. Definitions. The following definitions shall apply in the interpretation of this Chapter.

- (a) The term "water main" shall mean that part of the water distribution system located within easement lines or streets designed to supply more than one water connection.
- (b) The term "water connection" shall mean that part of the water distribution system connecting the water main with the premises served.
- (c) The term "Department" shall mean the Department of Public Works of the Village.

2. Service Connections. Service connections shall be installed by the Department upon payment of the required connection fee and meter installation fee. All meters and water connections shall be the property of the Village. Connection fees and meter installation charges shall not be less than the cost of materials, installation and overhead attributable to such installations and a schedule thereof shall be prescribed by Council resolution.

3. Turning on Water Service. No person, other than an authorized employee of the Village, shall turn on or off any water service, except that a licensed plumber may turn on water service for testing his work (when it must be immediately turned off) or upon receiving a written order from the Department. Provided, that upon written permit from the Department, water may be turned on for construction purposes only, prior to the granting of a certificate of occupancy for the premises, and upon payment of the charges applicable thereto.

4. Access to Meters. The Department shall have the right to shut off the supply of water to any premises where the Department is not able to obtain access to the water meter. Any qualified employee of the Department shall at all reasonable hours, have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing, or inspecting same and no person shall hinder, obstruct, or interfere with such employee in the lawful discharge of his duties in relation to the care and maintenance of such water meter.

5. Reimbursement for Damage. Any damage which a meter may sustain resulting from carelessness of the owner, agent, or tenant or from neglect of either of them to properly

secure and protect the meter as well as any damage which may be wrought by frost, hot water, or steam backing from a boiler, shall be paid by the owner of the property to the Village on presentation of a bill therefor: and in cases where the bill is not paid, the water shall be shut off and shall not be turned on until all charges have been paid to the Village.

6. Meter Failure. If any meter shall fail to register properly, the Department shall estimate the consumption on the basis of former consumption and bill accordingly.

7. Inaccurate Meters. A consumer may require that the meter be tested. If the meter is found accurate, a charge of one (\$1.00) dollar will be made. If the meter is found defective, a new meter will be installed and no charge will be made.

8. Hydrant Use. No person, except a fireman or authorized employee of the Village in the performance of his duties, shall open or use any fire hydrant, except in case of emergence, without first securing a written permit from the Department. Permits for a period not in excess of fifteen (15) days may be granted by the Department, upon written application in such form as it shall prescribe and upon payment of the required fees. Permits may be granted only on such terms and fees as the Council, by resolution, shall prescribe. In no case shall any hydrant be opened or closed except with a hydrant wrench provided by the Village.

9. Lawn Sprinkling. The Superintendent of the Department, subject to approval by the 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 for essential domestic and commercial needs and for fire fighting. 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 violating any such rule or regulation shall, upon conviction thereof, be punished as prescribed in section 13 of Chapter 1001 of this Code.

10. Additional Regulations. The Superintendent of the Department may make and issue additional rules and regulations concerning the water distribution system, connections thereto, meter installations and maintenance, hydrants and water mains and the appurtenances thereto, not inconsistent herewith. Such rules and regulations shall be effective upon approval by the Council.

11. Injury to Facilities. No person, except an employee of the Village in the performance of his duties, shall

wilfully or carelessly damage, destroy, deface or tamper with any structure, appurtenance or equipment which is a part of the Village water distribution system.

12. Fluoride. Notwithstanding any provision of any general or special law or any Charter provision to the contrary, the addition of fluoride to the water distribution system of the Village of Elberta be and the same is hereby prohibited.

PROPOSED LANGUAGE FOR AMENDMENT TO THE ELBERTA VILLAGE CODE
BY ADDING A NEW SECTION 12 OF CHAPTER 1046 OF THE CODE

AN ORDINANCE TO AMEND THE ELBERTA VILLAGE CODE BY ADDING A
NEW SECTION, WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION
12 OF CHAPTER 1046 OF SAID CODE.

THE VILLAGE OF ELBERTA ORDAINS:

1. The Elberta Village Code be and is hereby amended by
adding a new section which new section shall be designated as
Section 12 of Chapter 1046 of said Code and shall read in its
entirety as follows: 2046

"Notwithstanding any provision of any general or special
law or any charter provision to the contrary, the
addition of fluoride to the water distribution system
of the Village of Elberta be and the same is hereby
prohibited."

2. The foregoing Amendment to the Elberta Village Code
shall be published as required by Section 4, Chapter IV of
the Elberta Village Charter and as required by law.

3. This Ordinance shall take immediate effect.

WE, THE UNDERSIGNED, President and Clerk of the Village
of Elberta, County of Benzie and State of Michigan, do hereby
certify that the above and foregoing Ordinance No. 6 was duly
passed by the Village Council of said Village at a regular
meeting thereof held on the 19th day of July, 1973.

Theodore McClellan, Sr.
President

Dudley Penfold
Clerk

I, Dudley Penfold, duly elected and qualified Clerk of the said Village of Elberta, do hereby certify that the above recorded Ordinance No. 5, which was duly passed by the Village Council of said Village on the 19th day of July, 1973, was published in the Benzie County Patriot, a newspaper published and circulated within said Village of Elberta, on Thursday, the 30th day of August, 1973.

Dudley Penfold,
Clerk

Prepared by John B. Daugherty, Esq.
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263 S. Benzie Blvd.
Beulah, Michigan 49617

AN ORDINANCE TO AMEND THE ELBERTA VILLAGE CODE BY ADDING A NEW SECTION, WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION THIRTEEN OF CHAPTER 2046 OF SAID CODE.

THE VILLAGE OF ELBERTA ORDAINS:

The Elberta Village Code be and is hereby amended by adding a new section, which section shall be designated as section 13 of chapter 2046, and shall read as follows:

An ordinance to state that from hereon a meter shall be attached to each line entering a building in the Village of Elberta,

And further, that this ordinance shall be effective immediately.

I, Barbara Harju, Clerk of the Village of Elberta, do hereby certify the above was duly passed by the Village of Elberta Council at a regular meeting held on the 22nd day of June, 1989.


Barbara Harju
Village Clerk

ELBERTA VILLAGE ORDINANCE

An ordinance to amend the Village Code by adding a new chapter 2047 consisting of sections 1 through 7 inclusive and 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 or other contaminants can enter the public water supply system.

Be it ordained by the council of the Village of Elberta, State of Michigan:

Section 1. That the Village of Elberta adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Public Health being R 325.431 to R 325.440 of the Michigan Administrative Code

Section 2. That it shall be the duty of the Village Water Department to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Village Water Department and as approved by the Michigan Department of Public Health.

Section 3. That the representative of the Village 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 Elberta for the purpose of inspecting the piping system or systems thereof for cross connections. On request the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal to access, when requested, shall be deemed evidence of the presence of cross connections.

Section 4. That the Village 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 this ordinance.

Section 5. 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 Village of Elberta plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

Section 6. That this ordinance does not supercede the state plumbing code but is supplementary to it.

Section 7. That any person or customer found guilty of violating any of the provisions of this ordinance, or any written order of the Village Water Dept. in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25.00 nor more than \$100.00 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.

January 18, 1978, date of approval by Village Council.

J. H. Penfold.
J. H. Penfold,
Village Clerk.