

**SPRING LAKE ORDINANCE NO. 347
CROSS CONNECTION ORDINANCE**

PREAMBLE

AN ORDINANCE to control and regulate cross connections to the public water supply system; to prevent the entry into the public water system of water of questionable quality, or which is contaminated with waste or other contaminants; to authorize the development and implementation of a comprehensive plan for the regulation and control of cross connections; to provide for the inspection of public or private property with respect to cross connections; to provide for the discontinuation of water service or other precautionary measures necessary to protect the public water supply system; to provide penalties for the violations of the Ordinance; to provide for administrative liability, severability, a savings clause, the repeal of conflicting ordinances, and an effective date; and to provide for and regulate the public health, safety, and general welfare.

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

Section 1. Repeal of Section 78-44 of the Code of Ordinances.

That Section 78-44 of the Code of Ordinances, Village of Spring Lake, Michigan (or Spring Lake Village Code), is hereby repealed in its entirety and shall be deleted from the Code of Ordinances.

Section 2. Revision of Chapter 78 of the Code of Ordinances.

That Chapter 78, Article II, Division 3 of the Code of Ordinances, Village of Spring Lake, Michigan (or Spring Lake Village Code), is hereby amended to read as follows:

DIVISION 3 – CROSS CONNECTION

Section 78-74 Short Title.

This division may be referred to as the Village of Spring Lake Cross Connection Ordinance.

Section 78-75 Purpose.

The purpose of this division is to provide for and regulate the public health, safety, and general welfare by regulating and controlling connections to the public water supply in order to prevent entry into the public water supply of water of questionable quality, or water which is contaminated with waste or other contaminants.

Section 78-76 Legal Authority.

This division is enacted pursuant to the authority granted by Michigan statute and the Village of Spring Lake Charter.

Section 78-77. Rules applying to text.

The following rules of construction apply to the text of this division:

- (1) The particular shall control the general;
- (2) The headings which title various sections are for convenience only and are not to be considered in any construction or interpretation of the division or as enlarging or restricting the terms and provisions of the division in any respect;
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive;
- (4) Words used in the present tense shall include the future, words used in the singular number shall include the plural, and words used in the plural number shall include the singular, unless the context clearly indicates the contrary;
- (5) The word "person" includes a firm, association, partnership, joint venture, corporation, limited liability company, trust, municipal or public entity or any other legal entity, or a combination of any of them, as well as a natural person; and
- (6) Any word or phrase not defined in this section, section 78-78, or the Plan referenced in section 78-80 shall be considered to be defined in accordance with its common or standard definition.

Section 78-78 Definitions.

The following listed words and phrases are defined for the purpose of their use in this division. These definitions shall apply in the interpretation and enforcement of this division unless otherwise specifically stated.

Plan means the cross connection control plan referred to in section 78-80 of this division.

System means the Village of Spring Lake water supply and distribution system.

Water utility means the Village of Spring Lake water and sewer department.

Section 78-79 Adoption of Michigan Administrative Code.

The Village hereby adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality, being R 325.11401 through R 325.11407 of the Michigan Administrative Code.

Section 78-80 Cross Connection Control Plan.

The Water Utility is hereby authorized and directed to prepare a comprehensive Cross Connection Control Plan for the elimination and prevention of cross connections including, but not limited to, provisions pertaining to the installation, maintenance, testing, reporting, and inspecting of backflow prevention devices, piping labeling, and water outlet labeling. The Plan shall also provide for discontinuation of water service from the System pursuant to the provisions of Section 78-83 of this division. The Plan shall be administered by the Water Utility. The provisions of the Plan and all amendments thereto shall be approved by resolution of the Village Council. The Plan shall meet with the approval of the Michigan Department of Environmental Quality Drinking Water and Radiologic Protection Division. Any violation of the Plan shall be deemed a violation of this ordinance.

Section 78-81 Duties of the Director.

The Water and Sewer Director shall have the duty to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of initial inspections and re-inspections based on potential health hazards shall be as established by the Director and as approved by the Michigan Department of Environmental quality.

Section 78-82 Inspection.

The Water Utility, or its authorized inspection agent, shall have the right to enter at any reasonable time any property served by a connection to the System for the purposes 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 Water Utility or its authorized inspection agent any pertinent information regarding the piping system or systems on such property. The refusal of such information or the refusal of access, when requested, shall be deemed to be evidence of the presence of a cross connection.

Section 78-83 Termination of Water Service.

The Water Utility 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 all cross connections have been eliminated in compliance with the provisions of this ordinance.

Section 78-84 Backflow Prevention Assembly Testing.

All testable backflow prevention assemblies shall be tested initially upon installation to be sure that the assembly is working properly. Subsequent testing of assemblies shall be on an annual basis or as required by the Plan and in accordance with Michigan Department of Environmental Quality requirements. Only individuals certified by the State of Michigan shall be qualified to perform such testing. The individual performing such testing must certify the results of the test to the Water Utility.

Section 78-85 Water Outlet Labelling.

The potable water supply made available on the properties served by the System shall be protected from possible contamination as specified by this ordinance, the state plumbing code, and any other Village ordinance which regulates plumbing. 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:



Section 78-86 Supplemental to Other Laws.

This ordinance does not supersede the state plumbing code or the any other Village ordinance, but is supplementary to them.

Section 78-87 Municipal Civil Infraction.

Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of this division, shall be responsible for a municipal civil infraction, and shall be subject to Section 1-8 of the Code. Increased civil fines shall be imposed for repeated violations, which means a subsequent municipal civil infraction violation committed by a person within any

12-month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations shall be as follows:

1. The fine for any offense which is a first repeat offense shall be Two Hundred Fifty and no/100 (\$250.00) Dollars, plus costs and other sanctions;
2. The fine for any offense which is a second repeat offence or any subsequent repeat offense shall be Five Hundred and no/100 (\$500.00) Dollars, plus costs and other sanctions.

The Water Utility, its officers, agents and employees, and the members of any police agency providing police services in the Village are hereby designated as Authorized Officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violations notices directing alleged violators to appear at the Village Violations Bureau as provided in Section 1-8 of the Code.

Section 78-88 Administrative Liability.

No Water Utility officer, agent, or employee, or any officer, agent, or employee of the Village, shall render himself or herself personally liable for any damage that may accrue to any person, firm, association, corporation, partnership, joint venture, or combination of any of them as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this division or the Plan or both.

Section 3. Severability.

This ordinance and the various parts, paragraphs, sections, subsections, sentences, phrases and clauses thereof, are hereby declared to be severable. If any part, paragraph, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 4. Repeal.

Any ordinance in conflict in whole or in part with the provisions of this ordinance is hereby repealed.

Section 5. Savings Clause.

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance (“existing ordinance”) repealed by this ordinance, or a

prosecution which is started within thirty (30) days after the effective date of this ordinance arising from a violation of the existing ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the existing ordinance had not been repealed.

Section 6. Effective Date.

This ordinance was approved and adopted by the Village Council on the 15th day of May, 2017, and shall be effective upon publication.

VILLAGE OF SPRING LAKE

Joyce Verplank Hatton
Village President

Marvin Hinga
Village Clerk/Treasurer