

DIVISION 2. WATER MAINS AND SEWERS*

***Cross references:** Water mains in subdivisions, § 28-131 et seq.; sewer and water connections for streets, § 48-39.

Sec. 54-51. Control.

The water mains or sewers of the city are under the exclusive control of the council and no person or persons other than authorized city agents or employees shall disturb, tap, change, obstruct, or interfere with them in any way.

(Ord. No. 1986-3, 3-24-1986; Code 1982, § 2.2-2)

Sec. 54-52. Connection to public water main; exceptions; notification of lapsing, modification or revocation.

(a) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purpose situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public water main of the city is hereby required at their expense to install a water connection to the public water main in accordance with the provisions of this article, and the regulations supplementary hereto, prior to the issuance of an occupancy permit for said property. New water wells, either potable or nonpotable, are prohibited within the city, except that a potable water well may be allowed in areas of the city where the city council determines that it is unlikely a future public water main will be constructed. A written request from a property owner for a waiver from the requirements of this section to allow a potable water well shall be submitted to the city council. The city council, in its sole discretion, shall have the authority to either approve or deny the written request based upon its determination that it is unlikely a future public water main will be constructed within 250 feet of the subject property line. If a city council waiver is granted to allow the potable water well, the property owner shall apply for the appropriate permit from the county health division or such other appropriate county agency. If a permit is issued by the county health division, said property owner shall provide copies of said permit to the city and shall pay the appropriate fee, if any, to the city prior to the installation of a potable water well. Existing water wells may remain in use; provided, however, that upon 90 days' written notice from the city that a public water main is within 250 feet of said property line, a direct water connection shall be made to the public water main in compliance with this article, and any water well shall be discontinued. All wells that are discontinued shall be properly abandoned and plugged in compliance with all applicable state and local regulations.

(b) This section is intended to protect the public health and safety and is being adopted, in part, because of the potential presence of groundwater contamination on the properties located in the area identified as the "Water Well Restricted Zone" on the map marked as Exhibit A and on file in the office of the city clerk.

(c) Notwithstanding subsection (a) of this section and except as provided in subsection (d) of this section, no person or legal entity shall install or allow, permit, or provide for the installation or use of a well on any property located within the water well restricted zone and in which such person or entity has an ownership, leasehold, possessory, or other interest.

(d) Nothing in this section shall be deemed to prohibit the use of wells for:

(1) Dewatering performed in connection with construction and demolition or utility maintenance and construction activities, provided that the water generated by such dewatering activities is properly handled and discharged in compliance with all applicable laws and regulations. Any exacerbation of contamination caused by the use of dewatering wells under this exception shall be the responsibility of the person operating the dewatering well as provided under part 201 (environmental remediation) of the natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.2010 et seq.).

(2) Groundwater monitoring and/or remediation undertaken in compliance with all applicable laws and regulations.

(3) Industrial purposes, provided that such well is in existence on the effective date of the ordinance from which this section is derived and the water generated by such well is properly handled and discharged in compliance with all applicable laws and regulations.

(e) Pursuant to section 20120b(5) of part 201 (environmental remediation) of the natural resources and environmental protection act (MCL 324.20120b(5)), the city shall notify the state department of environmental quality, or its successor agency, at least 30 days prior to any lapsing, modification, or revocation of this section.

(Ord. No. 1996-16, 11-11-1996; Code 1982, § 2.2-2A; Ord. No. 2001-06, 9-24-2001; Ord. No. 2002-02, 3-11-2002)

Sec. 54-53. Extensions.

Extensions, of or changes in, the water mains or sewers shall be made only by the direction of the council. Petitions for the extension of old or construction of new mains or sewers shall be addressed to the council who will thereupon consider same and advise the petitioners of the decision. If the petition is granted, the council shall stipulate the proportions of the cost to be borne by the petitioners and by the city.

(Ord. No. 1986-3, 3-24-1986; Code 1982, § 2.2-3)

Sec. 54-54. Private installations.

Any person installing water mains or sewers at his own expense shall first submit plans and specifications of such work to the city manager for approval. After such plans and specifications have been approved, the work shall be done under the supervision of the city manager who shall request such tests be made as he considers necessary and shall accept the installation for the city before the water is admitted to such mains or sewers. All inspection costs of such installation shall be paid by the party installing this water main or sewer and shall also apply to any installations of water mains or sewers outside the corporate limits of the city where permission has been granted by the council to connect to the mains or sewers.

(Ord. No. 1986-3, 3-24-1986; Code 1982, § 2.2-4)

Secs. 54-55--54-70. Reserved.