

VILLAGE OF BEAR LAKE
WATER ORDINANCE
Ordinance No. 1 of 2018 - As Amended May 15, 2019

THE VILLAGE OF BEAR LAKE ORDAINS:

ARTICLE I

DEFINITIONS

Section 1 - Definitions: As use in this Ordinance,

“Building Pipe” means that part of the owner’s plumbing system which receives water from the service pipe, beginning at the owner’s property line.

“Certified Water Operator” is an individual, certified by the State, who works to ensure safe water. Operators can work in various areas, such as water, wastewater, distribution and reuse. These operators maintain equipment and processes to monitor and affect water as it moves through the treatment and distribution cycles.

“Corporation stopcock” means a shut-off valve installed in the water main immediately preceding where a service pipe connects to the water main.

“DPW Manager” means the Village employee hired as the Department of Public Works Manager.

“Debt Service” means the interest and principal payments required to repay monies borrowed to construct the waterworks system.

“Meter” or “Water Meter” means an instrument that automatically measures and registers the quantity of water consumed on a parcel of land served by the waterworks system.

“Owner” means the person holding the legal or equitable title to real property or a lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee or any other person, firm or corporation directly or indirectly in control of a building, structure or real property or his duly authorized agent.

“Person” means any individual, firm, trust, partnership, company, association, society, corporation, limited liability company, or other legal entity.

“Service Area” means any land in and around the Village which is serviced by the waterworks system.

“Service Pipe” means the pipe delivering water from the water main to the building pipe.

“Tenant” means a person who leases property from an owner.

“Village” means the Village of Bear Lake, Michigan.

“Village Clerk” means the Clerk for the Village of Bear Lake.

“Village Treasurer” means the Treasurer for the Village of Bear Lake.

“Water Main” means a pipe owned or controlled by the Village located within a street right-of-way or other public easement used to carry water within the waterworks system to the service pipe for delivery to the water customer.

“Water Use Charge” means the fees billed to all customers attached to the waterworks system for support of the costs of the waterworks system. The water use charges supply funds to cover the costs of operation and maintenance, debt service, replacement and administrative services.

“Waterworks System” means all wells, pumps, facilities, water mains, service pipes, and other equipment owned by or under the jurisdiction of the Village for the collection, storage, purification, and distribution of water.

ARTICLE II

USE OF WATERWORKS REQUIRED

Section 1 - Private Water Wells Prohibited: Except as hereinafter provided, it shall be unlawful for an owner, occupant, or tenant of property to drill or maintain a private water well within the Village.

Section 2 - Mandatory Connection:

- (a). The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a water main is hereby required at his or her expense to install suitable plumbing facilities therein, in accordance with the plumbing code then in effect and enforced within the Village and to connect such facilities directly with the waterworks system in accordance with the provisions of this Ordinance within ninety (90) days after the owner is required by the Manistee County Public Health Department to replace the water well servicing his or her property.
- (b). Said notification and enforcement of this Section shall be in conformity with Article 12, Part 127 of the Public Health Code, being a part of Act 368 of the Public Acts of 1978.

ARTICLE III

CONNECTION TO WATERWORKS SYSTEM

Section 1 - Unlawful Procedure: It shall be unlawful for any unauthorized person or owner to uncover, excavate, tap into, make connections with or openings into, use, alter, or disturb any water main or service pipe or appurtenance thereof in any street, lane, or alley within the service area without first obtaining a written permit from the Village as herein provided.

Section 2 - Authorization: All connections with any water main or service pipe in the service area shall be made only pursuant to written permits issued by the Village. The owner or his agent shall make application on a special form furnished by an employee of the Village. The Village Council may, by separate resolution, provide for permit and inspection fees which shall be paid to the Village Treasurer or Village Clerk at the time the application is filed. Application is to be created and updated by the chair of the Council Water Committee.

Section 3 - Costs: All costs and expenses incurred as the result of the connection to the service pipe shall be borne by the owner of the property. The owner shall indemnify the Village from all loss or damage that may be caused by connection to the service pipe.

Section 4 - Plans and Specifications:

- (a). All applicants for permits to connect to the waterworks system shall, when required, submit plans indicating where the building pipe will extend from the building receiving water service to where it will connect to the service pipe. The approval of a connection permit shall be contingent upon the availability of capacity in the waterworks system. When such plans have been approved by the Certified Water Operator, he/she shall issue a waterworks connection permit, subject to final inspection and approval when construction is completed.
- (b). Before the issuance of a waterworks connection permit, the Certified Water Operator may require the applicant to submit a schedule for the construction of the waterworks connection outlining when various components of the project will be completed. If the Certified Water Operator requires such a construction schedule, the timetables outlined in the schedule shall be maintained as a condition of the continued validity of the permit, unless extensions are granted in writing by the Certified Water Operator for good cause shown.
- (c). Final approval shall be subject to compliance with the local and state plumbing codes and all orders, rules and regulations of the Manistee County and Michigan Departments of Public Health.

Section 5 - Connection Requirements:

- (a). All connections to a water main shall be made with service pipes either installed by employees of the Village Department of Public Works or by a contractor hired by the owner with the written consent of the DPW Manager. Any service pipe installed by a contractor authorized under this section shall be laid under the direction and supervision of the DPW Manager. All work for the purpose of making connections to a water main shall be done in compliance with the rules, regulations and codes governing plumbing in the Village and in accordance with the laws of Michigan relative thereto.
- (b). The cost of all service pipes, installation and all associated equipment shall be borne by the property owner. Installation from existing water main to edge of Village right of way shall be coordinated by the Village, cost to be borne by the property owner.
- (c). A separate and independent service pipe shall be provided for every building receiving water service; provided, however, where water service is intended to supply more than one building under the same ownership and on the same lot, the service pipe to one building may be used to provide water service to the other building(s) and the whole considered as one connection.
- (d). The size, slope, alignment, and materials of construction for a service pipe, and the methods to be used in excavating the trench, placing, jointing, and testing the pipe, and backfilling the trench shall all conform to the requirements of this Ordinance and the local and the state plumbing codes.

Section 6 - Cross Connections Prohibited: The Water Supply Cross-Connection Rules of the Michigan Department of Environmental Quality, being R 325.11401 to R 325.11407 of the Michigan Administrative Code, in effect at the time this Ordinance is enacted are hereby adopted by reference.

Section 7 - Installation of Meters Required: All new buildings connected to the waterworks system shall be equipped with meters installed inside the building, but capable of being read by employees of the Village Water Department from outside the building. However, where employees of the Village Water Department have been unable to make a meter reading for two consecutive billing periods, the Village shall have the right to access the property under Article IX, Section 3 of this Ordinance to read the meter, or to install a meter capable of being read by employees of the Village Water Department from outside the building and to charge the owner of the property the actual cost incurred in installing the meter. All meters installed shall be purchased from the Village at a cost to be established by resolution of the Village Council.

Section 8 - Connections for Purpose of Fire Prevention: The owner or occupant of any manufacturing establishment, lumberyard, warehouse, elevator, store, hotel, school, or

any public building desiring to install large pipes with hydrant and hose couplings to be used only in case of fire may connect to a water main under the terms and conditions of this Article and after obtaining a permit from the DPW Manager.

Section 9 - Inspection: When an authorized contractor installs the service pipe under Section 5(a), the person to whom a waterworks connection permit was issued shall notify the Village Certified Water Operator or his/her designee when the service pipe is ready for inspection. In addition, the person to whom a waterworks connection permit was issued shall notify the Village Certified Water Operator or his/her designee when the installed water meter is ready for inspection. The Certified Water Operator or his/her designee shall then inspect the service pipe and/or water meter and if such installations meet the requirements of this Ordinance, the excavation may be backfilled.

Section 10 - New Use of Existing Service Pipes: Existing service pipes may be used in connection with new buildings only when they are found by the DPW Manager to meet all requirements of this Ordinance.

Section 11 - Maintenance: The owner of property connected to the waterworks system is responsible for the maintenance of the building pipe. The cost of all repairs, maintenance and replacements of existing building pipes and their connection to the service pipes shall be borne by the property owner. Before making any repairs or replacements or conducting any maintenance on the building pipe, the owner shall contact the DPW Manager. All work performed, including the qualifications of the person performing the work, shall fully comply with the requirements of this Ordinance.

Section 12- Work on Private Property: Excavation and backfill for service pipes on private property may be made by the owner. Connections to and installation of service pipes on private property may be made by the owner; however, no backfill shall be placed until the service pipe has been inspected and approved by the Certified Water Operator or his/her designee. All excavation, backfilling, connections and installations shall be made in accordance with the requirements of this Article.

Section 13 - Permit Information: The Certified Water Operator or his/her designee shall keep records of all permits granted under authority of this Ordinance which shall include the names of the applicant and contractor, the location of the work, the place in the street where the excavation is to be made, and the purpose for which the permit is issued. Such records shall be retained at the Village Office.

Section 14 - Village Water Service Outside Village Limits: The owner of property located outside the Village limits may connect to the Village waterworks system only if authorized by the Village Council and if permission is granted by the township in which the property is located, if said permission is required. No property outside the Village limits has the right to connect to the Village waterworks system even if other nearby property is being serviced by the waterworks system. The Village may, but is not obligated to require property outside the Village limits to either annex to the Village or

be subject to an agreement under Act 425 of 1984, as amended, or a similar statute, before connecting to the Village waterworks system. The Village and or it's designee shall conduct a water system impact assessment study prior to any decision at the expense of the property owner.

ARTICLE IV

WATER USE REGULATIONS

Section 1 - Water Use Restrictions: The owner, occupant, or tenant of any building or premises entitled to the use of water from the waterworks system shall not supply water to any other person except upon written permission of the Village DPW Manager, nor shall he or she permit unnecessary waste of water.

Section 2 - Conservation During Emergency or Drought: Whenever, in the discretion of the Certified Water Operator an emergency or drought condition exists such that the public health, safety and general welfare of the people is endangered, the Certified Water Operator & Village President shall prescribe rules and regulations to conserve the water supply during such emergency or drought condition.

ARTICLE V

EXTENSION OF WATER MAINS

Section 1 - Application: The owner of any property in the Village may connect to the waterworks system pursuant to the provisions of this Article contingent upon the availability of capacity in the waterworks system. An owner who desires to connect to the waterworks system shall file an application for water service extension with the DPW Manager and pay a non-refundable fee to be established by resolution of the Village Council. This fee shall be used by the Village to obtain the initial cost estimates to construct the proposed water service extension. This fee shall be applied to the cost of the extension if actually constructed or retained by the Village if the applicant decides to abandon the plan for the extension. Fee to be paid to the Village Treasurer.

Section 2 - Water Service Extensions; Options; Standards: When extending water service to an individual property owner or group of property owners, the Certified Water Operator may extend such water service through use of a service pipe connection to an existing water main or through an extension of a water main. In exercising the discretion granted in this section, the Certified Water Operator shall consider the following factors:

- a. Whether other property in the surrounding area is capable of development in terms of topography, wetlands, and zoning ordinance requirements

such that it is reasonable to anticipate that other connections to the waterworks system may be needed in the future.

- b. Whether there is other property capable of development in terms of topography, wetlands, and zoning ordinance requirements beyond the property intended to be serviced by the requested water service extension such that it is reasonable to anticipate that an extended water main would be further extended to provide water service to that other property or further extended to tie into the waterworks system at another location.
- c. Whether the distance of the water service extension or the elevated terrain over which the extended water service must travel reasonably requires a water main.
- d. Whether there is a need for fire protection through the installation of a fire hydrant in the area to be served by the water service extension.

Section 3 - Village Water Service Outside Village limits: The owner of property located outside the Village limits may connect to the waterworks system only pursuant to the requirements of Article III, Section 18 of this Ordinance.

Section 4 - Route of Water Service Extensions: The route of any water service extension shall be within the rights-of-way of public streets and alleys or within public utility easements granted to and approved by the Village across private property. All excavation and other work performed within the rights-of-way of these public streets and alleys shall comply with the requirements of Article III of this Ordinance.

Section 5 - Cost of Water Service Extensions:

- (a). As soon as possible after receiving the water service extension application fee required under Section 1 above, the Certified Water Operator shall notify the property owner in writing how the water service extension will be provided and shall provide the property owner with a written estimate of the approximate cost of the water service extension. The property owner shall then have ninety (90) days to inform the Certified Water Operator whether he or she desires to proceed with the water service extension and to pay the costs of the water service extension required under subsections (b) or (c) below. If the property owner fails to inform the Certified Water Operator regarding his or her intent within this ninety (90) day period, this inaction shall be deemed a decision to abandon the plans for a water service extension.
- (b). If a water service extension is provided through use of a service pipe connection to an existing water main, the property owner requesting the extension shall be responsible for paying all costs of the water service extension beyond edge of Village right of way. The property owner shall not be entitled to reimbursement of

any of these costs. A water service extension through use of a service pipe connection to an existing water main shall comply with all requirements of Article III of this Ordinance.

- (c). If a water service extension is provided through the extension of a water main, the property owner requesting the extension shall pay to the Village the amount of the estimated costs of the water main extension. Upon receipt of this payment, the Village shall begin and complete the water main extension as requested by the property owner. If the actual cost to extend the water main exceeds the estimated costs paid, the property owner shall pay the Village the additional costs within thirty (30) days of receiving a written statement specifying those additional costs. If the actual cost to extend the water main is less than the estimated costs paid, the Village shall refund the difference to the property owner within thirty (30) days of the completion of the project. The property owner requesting the extension shall be entitled to reimbursement pursuant to Sections 7 and 8 below of a portion of the actual costs paid in extending the water main.

Section 6 - Special Assessments: In certain instances the Village, by a majority vote of the entire Village Council, may elect to extend water mains and finance the project by use of a special assessment district. The charge to be assessed each property owner served shall be calculated based on a formula as determined by the Village Council. The charge to each property owner served shall be assessed at the time of project completion and shall be paid as specified by the Village.

Section 7 - Additional Users:

- (a). The owners of property located between a water main prior to any extension and the property to be initially serviced by the water main extension (including the property across the street, alley, or public utility easement within which the water main extension is located) may tap into or make use of the extended water main by paying to the Village Treasurer a water extension fee equal to the proportionate share of the total cost of extending the water main plus any interest provided in subsection (b) below. For purposes of this section, the proportionate share of the cost of extending the water main shall be calculated by the Certified Water Operator pursuant to the following formula:

[Actual Cost Paid Under § 5(c) ÷ (Total Street Frontage of Other Property Capable of Development and Connection to the Extended Water Main*)] x (Total Street Frontage of Parcel Connecting to the Extended Water Main)

*A property is deemed capable of development and connection to the extended water main if that property is capable of development in terms of topography, wetlands, and zoning ordinance requirements such

that it is reasonable to anticipate that connections to the extended water main may be made in the future.

Section 8 - Reimbursement to Original Property Owner: Upon receipt of any payment under Section 7(a) above, the Village Treasurer shall be notified by the Certified Water Operator to pay that amount forthwith to the property owner who paid the initial actual costs of the water main extension pursuant to Section 5(c) above. If the property owner who paid the initial costs of the water main extension is deceased, the payments received shall be paid to his or her personal representative or to other persons who by law would be entitled to inherit his or her estate as may be determined by a court of competent jurisdiction. If the property owner who paid the initial costs of the water main extension cannot be found, or if no claim is made for reimbursement for a period of one (1) year from the date that payments under Section 7(a) have been received by the Village Treasurer, the reimbursement under this section shall be deemed to have been waived and all monies so received shall be turned over and become a part of the Village water fund.

ARTICLE VI

CHARGES FOR WATER SERVICES

Section 1 - Public Utility:

- (a). The operation and maintenance of the waterworks system shall be on a public utility basis in accordance with applicable federal regulations and the provisions of Act 94, Public Acts of Michigan, 1933, as amended.
- (b). The waterworks system shall be operated on the basis of an operating year commencing on March 1 and ending on the last day of the following February.

Section 2 - User Charges - Purposes, Basis and Rates:

- (a). The owners, occupants, or tenants, of all property connected to the waterworks system, either directly or indirectly, shall pay user charges beginning on the date of the connection.
- (b). User charges will be established by resolution of the Village Council for the purpose of:
 - (1). Recovering the costs of operation, maintenance and replacement of the waterworks system;
 - (2). Partial debt repayment (debt service).

- (c). User charges for water service furnished by the waterworks system shall be based on the quantity of water used as measured by meters installed on the property and shall be billed pursuant to Section 7 below per 1,000 gallons of water consumed above the amount allotted to each user. The minimum water bill per quarter shall be no less than the amount of the quarterly ready to serve charge as established by resolution of the Village Council.

Section 3 - Tap-in Fees: Tap-in fees shall include the costs of tapping the water main, installing the corporation stopcock, furnishing and laying the service pipe, and installing corporation stopcock and shutoff boxes and all site restoration. The charges shall be determined by field conditions at the time of installation. Costs of tap-in fee for water service to be borne by property owner.

Section 4 - Other Fees and Charges: The Village Council shall by separate resolution establish the fees to be charged for water meters and other services performed under this Ordinance. See Schedule A, attached.

Section 5 - No free service: No free water service shall be furnished to the Village, to any person, or to any public or private agency.

Section 6 - Review of Rates: The adequacy of the user charges shall be reviewed annually by a committee consisting of the Village President, one representative from the Village Council and the Village Treasurer. After such review, the findings and any recommendations shall be presented to the Village Council for review and action. The user charges shall be revised periodically to reflect a change in debt service or a change in operation, maintenance and replacement costs in accordance with applicable federal regulations. The Certified Water Operator is to notify the Village President in writing of any needed changes in fee structure due to costs of maintenance and replacement.

Section 7 – Statements: Statements for user charges shall be rendered quarterly and shall be payable without penalty within Twenty (20) days after the date thereon. Payments received after such period shall bear a late fee as established by resolution of the Village Council.

Section 8 – Meter Testing: A user may request a water meter be tested. If the meter is found to be accurate, a charge equal to all costs incurred by the Village to send meter for testing, testing service and labor for temporary installation and use of another meter shall be borne by the user requesting such testing (see Schedule A, attached). If the meter is found to be defective, it shall be repaired or replaced at no charge to the property owner.

Section 9 - Separate Waterworks Funds: All funds of the waterworks system shall be kept separate from other funds of the Village, and an accurate, separate record shall be kept of all receipts to and disbursements from the waterworks fund.

ARTICLE VII

PROTECTION FROM DAMAGES

Section 1 - Prohibited Acts; Penalty: No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the waterworks system. Any person violating this provision shall be guilty of a misdemeanor punishable by ninety (90) days in the county jail and/or a fine of Five Hundred (\$500.00) Dollars.

Section 2 - Damage to Water Meter; Liability: Any damage to a water meter resulting from the failure of the owner, occupant, or tenant to properly protect that meter shall be assessed against such owner, occupant, or tenant. In addition, any person violating any of the provisions of this Ordinance shall be liable to the Village for any expense, loss, or damage incurred by the Village by reason of such violation.

Section 3 – Curb Stops; Liability: Curb stops are Village of Bear Lake Property and as such shall only be operated by authorized Village DPW personnel. Any unauthorized use or tampering with curb stop will result in penalties to the property owner as determined by Village Council. Water billing will continue unless curb stop is officially shut off by the Village. Any person violating any of the provisions of this Ordinance shall be liable to the Village for any expense, loss, or damage incurred by the Village by reason of such violation.

Section 4 – Hydrant Use; Liability: No person shall open or use any fire hydrant connected with the Village of Bear Lake's water supply unless duly authorized by the Village Council. In addition, any person violating any of the provisions of this Ordinance shall be liable to the Village for any expense, loss, or damage incurred by the Village by reason of such violation.

ARTICLE VIII

PROTECTION OF POTABLE WATER SUPPLY

Section 1 - Prohibited Acts; Penalty: No person shall introduce any chemical, biological, or other substance into the waterworks system with the intent to cause physical harm to any person or animal or with the intent to cause the water supply to be unfit for human or animal consumption under applicable state and/or federal safe drinking water standards. Any person violating this provision shall be guilty of a misdemeanor punishable by ninety (90) days in the county jail and/or a fine of Five Hundred (\$500.00) Dollars.

Section 2 - Monitoring of Water Quality; Corrective Action: The Village Water Department shall regularly monitor and test the water within the waterworks system for

the purpose of detecting water contamination and to ensure that the water continues to meet all applicable state and federal safe drinking water standards. If water contamination is detected, the Certified Water Operator shall take whatever action is necessary and proper to protect the health, safety and general welfare of the public, including but not limited to, issuing public warnings and directives concerning the safety of the drinking water, flushing the waterworks system to rid the system of the contamination, and/or introducing chlorine or other substances into the waterworks system in full compliance with all applicable state and federal regulation to eliminate the contamination.

ARTICLE IX

ENFORCEMENT

Section 1 - Enforcement:

- (a). 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 served. Thereby, whenever any such charges or rates shall be delinquent for six (6) months or more, the Village Treasurer shall certify to the Manistee County Treasurer the fact of such delinquency, where upon such delinquent charges and rates shall be entered upon the next tax roll as charges against such premises 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 services 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 the Village Council shall have been made as security for payment of such charges and service.

Section 2 -- Service Termination Provisions:

- (a). If a water customer plans to move, it is the customer's responsibility to notify the Village at least two days prior to the moving date to arrange for the DPW Manager to get a final meter reading, to provide the Village with their new mailing address and the new owner's name and address if known, and to discontinue service, if desired. When service is disconnected at a customer's premise for the purpose of moving, the customer is still responsible for water service and all associated costs with disconnection and is expected to pay the bill by the due date listed on the final water statement.
- (b). In addition, the Village shall have the right to disconnect water service to any user for whom charges for water service are two (2) payments delinquent or when any connection is found to be in violation of any provision of this

Ordinance. Before disconnecting water service, the Village Treasurer shall send written notice by first class mail of the Village's intent to disconnect water service to the owner of the premises served and to the tenant in possession if applicable. If water service is disconnected pursuant to this section, such service shall not be reestablished until all delinquent charges and penalties and a reconnect charge, to be specified by resolution of the Village Council, have been paid in full or satisfactory payment arrangements made or the unlawful connection is eliminated. Further, such charges and penalties may be recovered by the Village by court action.

Section 3 – Termination for Nonpayment: The following procedures and conditions shall be followed when payment has not been received by statement due date. Except in an emergency, or as a protection of life or property, the DPW Manager will not disconnect water service for nonpayment of charges on Saturday, Sunday, a federally recognized holiday, or the day before a federally recognized holiday.

- (a) Past Due Notice: When payment is not received by the due date stated on the quarterly billing statement, a past due notice shall be mailed to the customer via first class mail and a late charge assessed against the account. The late charge to be previously determined by majority vote of the Bear Lake Village Council.
- (b) Final Notice: Approximately 10 calendar days after the past due notice, if payment is not received, nor payment arrangements made, a Final Notice will be mailed via first class mail to the customer. The Final Notice will indicate a "Due By" date for payment to be received, or payment arrangements made, to avoid possible disconnection of water service.
- (c) Water Disconnect: Approximately 10 calendar days after the Final Notice, if payment is not received nor payment arrangements made, a Disconnect Notice will be delivered to the service address which will list a disconnect date. A trip charge will be assessed for delivering the Disconnect Notice in accordance with Schedule A – Fees and Charges (attached). If payment is not received nor satisfactory payment arrangements made, water service will be disconnect on the date listed on the Disconnect Notice. A disconnect fee will be assessed in accordance with Schedule A – Fees and Charges (attached). If disconnect occurs, payment must be made in full and/or satisfactory payment arrangements made before reconnection is granted.

Section 4 - Disruption of Water Service; Village not Liable: The Village shall not be liable for any failure or deficiency in the water supply to consumers whether occasioned by shutting off the water to make necessary repairs or connections or for any other cause.

Section 5 - Access to Property: Authorized employees of the Village Department of Public Works 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 and inspecting the piping and fixtures connected with the waterworks system. Any person refusing entrance onto said property shall be deemed in violation of this Ordinance.

Section 6 - Violations; Penalties: Except as provided in Article VII, Section 1 and Article VIII, Section 1, any person who violates 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 and 00/100 (\$500.00) Dollars. Each day in which any such violation shall continue shall be deemed a separate offense. The Village President and/or other persons designated by the Village Council are hereby designated as an authorized Village officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court. In addition, the Village shall have the right to bring a civil lawsuit to enforce the provisions of this Ordinance, including an action for injunctive relief to enjoin continued violations of the Ordinance.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1 - Repeal of Prior Water Ordinances: All prior water ordinances enacted by the Village and all amendments or those prior ordinances are hereby repealed in their entirety.

Section 2 - Severability: If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 3 - Effective Date: This Ordinance shall become effective twenty (20) days after its enactment.

