

ORDINANCE NO. 586

AN ORDINANCE TO AMEND DIVISION 82-III-1 OF THE CITY'S CODE OF ORDINANCES TO REQUIRE CONNECTIONS TO THE PUBLIC WATER SUPPLY SYSTEM AND TO REGULATE THE USE OF PRIVATE WELLS

The City of Hastings ordains:

Section 1. Purpose.

The City Council finds that it is in the City's best interests to protect and promote the health, safety and welfare of the City by assuring its residents and property owners an adequate and reliable supply of water on a continuous basis for household, drinking and all other purposes. The City adopts this Ordinance to provide further assurances of compliance with state and federal safe drinking water laws and other applicable laws and regulations.

Section 2. Requirements for Connection to the Public Water Supply System.

A. **Mandatory Connection to Public Water Supply System.** All owners of buildings using or requiring a water supply, which are located within the City, are hereby required at their expense to install suitable plumbing fixtures and connect such fixtures directly to an available water main, as determined by the City, which is part of the City public water supply system. The City may require such owners, pursuant to authority conferred upon the City by law or ordinance, to make such installations and connections.

B. **Connection of New Construction to Water System.** All owners of properties located in the City which are presently undeveloped and which are hereafter improved by a building using or requiring water supply are hereby required at their expense to install suitable plumbing fixtures and connect such fixtures directly to an available public water, main as determined by the City, which is part of the City's public water supply system. The City may require such owners, pursuant to authority conferred upon the City by law or ordinance, to make such installations or connections.

C. **Connection of Existing Improved Properties to Water System.** Owners of an existing building using or requiring water supply, which are located in the City and which are currently served by a private water well, shall not be required to connect to an available public water main and use the City's public water supply system until such time as:

- (1) a new private water well is required;
- (2) the existing private water well fails to the extent it would be necessary to drill a replacement well;
- (3) an existing single family or multiple family residence has changed from a residential to a nonresidential use;

(4) connection of all improved properties within the area in which the property with the private well is located is declared a necessity by the City for the public health, safety and welfare; and

(5) the private water well is no longer in compliance with the City's ordinance, or any other county, state or federal ordinances rules, regulations, laws or statutes.

Section 3. Public Water System Connection Deadline.

All connections to the City's public water supply system required under this Ordinance shall be completed no later than six (6) months after the date of notice by the City to make the connection or the occurrence of one of the conditions stated in Section 2. C. of this Ordinance. Newly constructed buildings required to connect shall be connected prior to occupancy of the building.

Section 4. Enforcement for Failure to Connect to Water System.

In the event a required connection to the public water supply system is not made within the time provided in Section 3 of this Ordinance, the City shall require the connection to be made immediately upon notice given by certified mail on the property. The notice shall give the approximate location of the available water main and shall advise the owner of the property of the requirement and enforcement provisions of this Ordinance. In the event the required connection is not made within sixty (60) days after the date of mailing or posting of this written notice, the City may bring an action in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the property to the public water supply system.

Section 5. Private Water Wells.

A. Pursuant to its authority under the City Charter to regulate the public health, safety and welfare of persons and property and the Municipal Water Supply Systems Act, which is Public Act 196 of 1952, as amended,, the City determines in order to provide a safe and reliable supply of public water, it is necessary to prohibit the drilling of private wells in the City. Effective immediately, no new wells shall be drilled on any property in the City, except subject to the exception stated in subsection B below.

B. A new private well may be drilled provided an available water main which is part of the City's public water supply system is not located within two hundred (200) feet of the existing building or building to be constructed on the property , as determined by the City. If the new private well is drilled to replace an existing private well, the existing private well must first be plugged and abandoned in compliance with the requirements of the Barry County Health Department and all applicable laws, including the Michigan Safe Drinking Water Act and the Michigan Water Well Construction and Pump Installation Code and related administrative rules. The new private well must comply with all permitting and other legal requirements of the Barry County Health Department and applicable state and federal regulations and statutes.

C. Upon connection to the City's public water supply system, any private water well formerly serving a building or property shall be properly plugged and abandoned to prevent the private water well from becoming a health hazard or nuisance or in any way serving as a conduit for contamination of groundwater. The plugging and abandonment of the well shall be in compliance with the requirements of the Barry County Health Department and all applicable laws, including the Michigan Safe Drinking Water Act and the Michigan Water Well Construction and Pump Installation Code and related administrative rules.

Section 6. Powers of Director of Public Services.

The Director of Public Services is empowered to oversee the implementation of this Ordinance and to:

- A. Investigate complaints of violations of this section and maintain a record of the investigations, complaints and observations;
- B. Issue notices of violation requiring compliance with this section;
- C. Make recommendations to the City for amendments to this section as required, or as necessary;
- D. Encourage voluntary cooperation with this section.

Section 7. Notices.

Whenever the Director of Public Services determines that a water main is available for any new or pre-existing structure, or determines that a potential violation of this section has or is occurring, the Director of Public Services may serve upon such individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, legal entity, or their legal representatives, agents or assigns, a written notice stating the availability of a water main or the nature of the violation and provide a reasonable time limit for correction of any violation.

Severability.

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance, other than the section or provision so declared to be unconstitutional or invalid.

Inconsistent Ordinances.

All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

This ordinance shall become effective upon its adoption and publication as provided by City Charter.

Moved by Member , that Ordinance No.586 be adopted as read.

YEAS:

NAYS:

ABSENT:

CITY OF HASTINGS

Adoption Date:

Effective Date:

First Reading:

Second Reading:

By: Jane Saurman
Hastings City Clerk

CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the City of Hastings, Michigan, does hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Hastings City Council, of the City of Hastings, at a regular meeting of the City Council on the day of 2020, at which meeting a quorum was present and remained throughout, and that the original of said Ordinance is on file in the records of the City of Hastings. I further certify that the meeting was conducted and public notice was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Jane Saurman
City Clerk