

**VILLAGE COUNCIL
VILLAGE OF ONTONAGON
Ontonagon, Michigan
ORDINANCE NO. 2026-02**

An Ordinance to Amend Chapter 22, Article II, Section 22-39 through 22-64 of the Code of Ordinances for the Village of Ontonagon.

The Village of Ontonagon ordains, that Chapter 22 (Utilities), Article II, Sections 22-39 through 22-64 be amended as follows:

Sec. 22-39. Cross connection Control Program Purpose and Authority

- (a) The purpose of the Cross Connection Control Program is to promote and protect the public health, safety and welfare by the identification, prevention, and elimination of cross connections which have been recognized as the cause of public health problems due to the hazard caused to drinking water quality; and by reducing the risk of cross connections contamination of the Village of Ontonagon water distribution system. This program shall control all matters concerning the inspection, detection, testing, prevention, and elimination of cross connections in new and existing residential, commercial, and industrial premises and facilities.
- (b) The Village of Ontonagon, acting through the public works department and other authorized village representatives, shall have the authority to implement the cross connection control program established by this division with respect to any property or premises receiving water from the Village of Ontonagon water distribution system.

Sec. 22-40. Compliance with laws, ordinances, codes, rules and regulations

All connections with the Village of Ontonagon water distribution system shall comply with all applicable laws, ordinances, codes, regulations, and rules, including, but not limited to, the following (referred to collectively as "applicable cross connection laws and regulations"):

- (1) The Michigan Safe Drinking Water Act, Act 399 of the Public Acts of 1976, as amended; and the associated water supply cross connections rules, Michigan Administrative Code, R 325.11401 - R 325.11407, as amended (the "state water supply cross connection rules"). (The Village of Ontonagon hereby adopts by reference the state water supply cross connection rules).
- (2) The Village of Ontonagon Code of Ordinances including this article and all other sections of the Code of Ordinances pertaining to water supply or plumbing matters, as amended.

- (3) The latest editions of the Michigan Plumbing Code, the Michigan Building Code, and the Michigan Residential Code, as adopted by the Village of Ontonagon, as amended.
- (4) Any rules or regulations adopted by the Village of Ontonagon pertaining to water supply or plumbing matters, as amended.

This Cross Connection Control Program does not supersede any law, ordinance, code, rule, or regulation, but is supplementary to them. Except as otherwise determined and directed by the Village of Ontonagon, the most stringent or restrictive provisions applicable to cross connections shall control, whether established by this Cross Connection Control Program or by such other applicable law, ordinance, code, rule, or regulation. Further, if there is any conflict or inconsistency between the provisions of this division with respect to cross connections and the provisions of any other law, ordinance, code, rule, or regulation regarding cross connections, the provisions of this Cross Connection Control Program shall control; and if there is a question or ambiguity with regard to whether or not there is a conflict or inconsistency between the provisions of this Cross Connection Control Program and the provisions of any other law, ordinance, code, rule, or regulation, the question or ambiguity shall be resolved by the Village of Ontonagon.

Sec. 22-41. Cross connections prohibited and unlawful connections.

- (a) A cross connection to the Village of Ontonagon water distribution system is prohibited.
- (b) It shall be unlawful for any person to create, maintain, or to cause or allow the creation or maintenance of, any cross connection (direct or indirect) of a public water supply system (including, but not limited to, the Village of Ontonagon water distribution system) and any other water supply system or source, including, but not limited to, a connection between the public water supply system and any of the following:
 - (1) A secondary water supply.
 - (2) Any source of water by submerged inlet.
 - (3) A lawn sprinkler system.
 - (4) Piping which may contain sanitary waste or a chemical contaminant, including self-contained hydronic boiler systems.
 - (5) A fire suppression system.
 - (6) Any other source of potential contaminant (regardless of the source or means of connection).

Sec. 22-42. Cross connection inspections

- (a) It shall be the duty of the Village of Ontonagon to inspect and re-inspect all premises served by the Village of Ontonagon water distribution system where cross connections to the system are deemed possible by the Village of

Ontonagon and as otherwise required by applicable cross connection laws and regulations.

- (b) The frequency of inspections and re-inspections for cross connections shall be established by the Village of Ontonagon based on potential health hazards to the Village of Ontonagon water distribution system and other factors as determined relevant and appropriate by the Village of Ontonagon.

Sec. 22-43. Access to premises; right of entry

- (a) Notwithstanding any other provision or requirement of this article or any other applicable law or regulation, the Village of Ontonagon shall have the right to enter any premises, property, or facility for the sole purpose to inspect and examine for cross connections.
- (b) The Village of Ontonagon shall be granted access to all premises, properties, or facilities at all reasonable hours to determine or confirm the possible presence of a cross connection. The Village of Ontonagon shall be granted such access to all areas of a premises, property, or facility where the Village of Ontonagon believes that there may be piping or other conveyances that could ultimately be connected to the Village of Ontonagon water distribution system.
- (c) Upon the Village of Ontonagon's request, the owner or occupant shall furnish the Village of Ontonagon any information regarding the piping system of the premises, as determined pertinent by the Village of Ontonagon.
- (d) The owner or occupant's refusal to supply the access or information as provided by this division, at the time requested by the Village of Ontonagon, shall be a violation of this Cross Connection Control Program.
- (e) Further, the owner or occupant's refusal to grant access or to supply such information when requested shall be deemed evidence of the presence of a cross connection and a violation of this Cross Connection Control Program, subject to such further steps and enforcement as determined necessary and appropriate by the Village of Ontonagon and as provided by applicable cross connection laws and regulations, including, but not limited to, discontinuance of service.

Sec. 22-44. Discontinuance of service

- (a) The Village of Ontonagon is authorized to disconnect water service to a premises, property, or facility, after reasonable notice, for violation of any of applicable cross connections laws and regulations and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the Village of Ontonagon water distribution system from cross connections or to otherwise prevent or mitigate a hazard to the public health, safety, or welfare.

- (b) If the Village of Ontonagon determines that there is an existing or potential threat to the public health, safety, or welfare, including but not limited to, poisoning, the spread of disease, or contamination of the public water supply of any kind and from any source, the water service may be terminated immediately.
- (c) If water service is disconnected as provided by this section, such service shall not be restored until the cross connection has been removed and any other deficiencies or potential hazards have been corrected as required by the Village of Ontonagon in accordance with applicable cross connection laws and regulations.
- (d) The expense of disconnecting, connecting, and turning off and turning on the water shall be paid by the property owner.

Sec. 22-45. Correction of violations

Upon notification by the Village of Ontonagon of a violation of this cross connection control program, the property owner shall promptly correct the violation in compliance with the schedule required and specified by the Village of Ontonagon, including any conditions imposed by the Village of Ontonagon. The total time allowed for completion of the necessary corrections shall be contingent upon the degree of hazard involved and include the time required to obtain and install any required equipment. The use and installation of any such equipment shall be subject to the Village of Ontonagon's prior written approval as otherwise required by this cross connection control program for use and installation of protective devices. A person's failure to timely complete required corrections as required and specified by the Village of Ontonagon is a violation of this cross connection control program.

Sec. 22-46. Protective devices

The Village of Ontonagon's written approval shall be obtained for any proposed backflow prevention corrective action or protective device before use or installation. All testable backflow prevention devices shall be tested upon installation and at specified periodic intervals thereafter. The Village of Ontonagon may require the filing of a backflow device test report for any installed device on a periodic basis or at such frequency as required by the Village of Ontonagon. All testing and maintenance of backflow prevention devices shall be at the owner or occupant's sole expense and shall be performed by a person or entity approved by the Village of Ontonagon. The failure to file any required report is a violation of this cross connection control program and may be deemed evidence of a cross connection subject to an enforcement response by the Village of Ontonagon as otherwise provided by this article.

Sec. 22-47. Fire suppression systems

- (a) All fire suppression systems that are connected to the Village of Ontonagon water distribution system on the property side of the water service shall be isolated with an ASSE approved backflow prevention detector assembly approved by the Village of Ontonagon. A single check or single check detector check shall not be considered an approved backflow prevention detector assembly. The level of backflow protection required shall be commensurate with the degree of potential hazard, as determined by the Village of Ontonagon.
- (b) Any fire suppression system that contains any additives will be required to be protected by an ASSE approved reduced pressure backflow prevention detector assembly.
- (c) If a fire suppression system does not currently have an ASSE approved backflow prevention detector assembly, the owner of the premises shall cause an ASSE approved backflow prevention detector assembly to be installed within the shortest time feasible as required and specified by the Village of Ontonagon.
- (d) If a fire suppression system has a backflow prevention device, but the device does not meet the latest backflow protection standards as provided by applicable cross connection laws and regulations or is otherwise determined inadequate by the Village of Ontonagon, the owner of the premises shall cause the fire suppression system to be upgraded to meet the latest standards in compliance with the schedule required and specified by the Village of Ontonagon.
- (e) A person's failure to timely complete the installation of an ASSE approved backflow prevention detector assembly or upgrade an existing backflow prevention device for a fire suppression system as provided by this section is a violation of this division.

Sec. 22-48. Piping identification

When a secondary water source is used in addition to a public water supply system, exposed public water and secondary water piping shall be identified by distinguishing colors or tags and so maintained that each pipe may be traced readily in its entirety. If piping is so installed that it is impossible to trace it in its entirety, it will be necessary to protect the public water supply at the service connection in a manner acceptable to the city and state as required by applicable cross connection laws and regulations.

Sec. 22-49. Protection of potable water supply

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 cross connection program and by the state and village plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by

the potable system shall be labeled in a conspicuous manner as "Water Unsafe for Drinking."

Sec. 22-50. Charges for inspection

Inspection charges established from time to time by the village may be included in the water service rates.

Sec. 22-51. Water service termination procedure.

- (a) Except when the immediate termination of water service is necessary, the provisions of this section shall govern all terminations of water service.
- (b) In addition to the lien provided for in section 22-34(a)(5), when any person shall fail or refuse to pay to the village any sums due for water utility service, or charges in connection therewith, for a period of 30 days from the due date, the village may shut off or discontinue any services as provided in subsection (c) of this section. Suit may be instituted by the village for the collection of such sums in any court of competent jurisdiction. No services shall again be rendered to the premises involved until the indebtedness is paid in full, together with all costs in connection therewith.
- (c) Water shutoff shall be preceded by a termination of service notice, which shall be sent by first class mail with proof-of-mailing. The notice shall inform the customer that failure to pay the past due amount, including any penalties, within ten days will result in termination of service. This notice will also inform the customer that the customer may request a hearing before the village manager prior to any termination of service.
- (d) If payment is not received or satisfactory arrangements have not been made within ten days after the termination of service notice is mailed to the customer, the supply of water shall be discontinued. No water service that has been discontinued for nonpayment shall be restored until all past due bills and a turn on charge and a deposit as specified by council resolution, have been paid.

Sec. 22-52. Water service pipes; placement and specifications.

All water service pipe on either public or private property shall be laid on a solid bottom not less than four feet, six inches below the established grade, subject to approval of the village manager. Water service pipe laid in the same trench with sewer service pipe shall be at least 18 inches from the sewer pipe and, if the sewer is laid at a greater depth, shall be shelved into the bank to a solid bottom. All water service pipe shall be not less than one inch diameter copper type K, or galvanized, extending from the main to the meter. Old iron water service pipe requiring repair shall be replaced by one inch diameter copper type K, or galvanized. However, the village manager may

require for either new or replaced service pipe the installation of a larger size if it is deemed necessary. The stop or curb box shall be so placed that the cover is not below grade and must be set on a firm foundation to prevent settling. A separate stop and waste cock or waste valve shall be placed on the water service pipe just inside the building wall so that the water may be turned off and drained from the pipe in case of accident or in order to make repairs.

Sec. 22-53. Use of water service.

- (a) *Opening water service.* When new water service pipes are put into any premises, the curbstop shall be left closed and will be opened by an authorized employee of the village only when the meter and all other apparatus has been installed and upon request of the owner or his agent. No person other than an authorized employee of the village is to interfere in any way with the water service pipe installed by the village, and no unauthorized person is permitted to turn water on or off at the curbstop except for the purpose of testing his work, in which case the curbstop shall be left in the same condition and position as when he found it. Any person called upon to shut off water and drainpipes in any premises shall do so inside the building only.
- (b) *Multiple service prohibited.* No person shall take or use village water from premises other than his own or which are occupied by him, and no person shall sell or give away village water from his own premises for any purposes without written permission of the council. Where such permission is granted the property owner shall be responsible for collecting any monies due to him for water service. No connection may be made through which water may pass from one structure to another located on a separate and distinctly described lot or parcel of property without written permission of the council, even though ownership of both parcels may be the same.
- (c) *Waste of water.* Excessive or unnecessary use or waste of water is prohibited, whether caused by carelessness or by defective plumbing or fixtures on the premises. In addition to the penalties prescribed for violation of the terms of this article, the council may order water service discontinued for disregard of or reputed violation of this provision.
- (d) *Discontinuance and restoration of water service; fee.* Except as otherwise provided in this article, only authorized village employees may open or close water service at the curbstop. If for any reason water service is so discontinued, the party responsible for receiving and paying for water service shall be charged a fee as established in the village fee schedule. Prior to restoration of water service by the village, an additional fee as established in the village fee schedule shall be paid to the village.

- (e) *Access to private premises.* Any officer, inspector or other authorized employee of the village shall have free access at all reasonable hours to any private premises supplied with village water for the purpose of making an inspection thereof, including examination of the entire water supply and plumbing system of such premises. No person shall refuse to admit the duly authorized inspectors and employees of the village to any premises for such purpose.

Sec. 22-54. Customer dispute.

- (a) At any time before the date of termination of water services for nonpayment or for a violation of this article, a customer may dispute the correctness of all or part of the amount shown or dispute the existences of the allegation in accordance with the provisions of this section. A customer shall not be entitled to dispute the correctness of all or part of the amount owed to the village if all or part of the amount were the subject of a previous dispute contested under this section.
- (b) The procedure for a customer's dispute shall be as follows:
- (1) Before the date of termination, the customer shall notify the department, orally or in writing, that he disputes all or part of the amount shown on a notice of termination, or the existence of a violation, stating as completely as possible the basis for the dispute.
 - (2) If the department of public works determines that the present dispute is untimely or that the customer previously disputed the correctness of all or part of the amount shown to be owed, the village shall mail to the customer a notice stating that the present dispute is untimely or invalid. The village shall then proceed as if the customer had not notified the village of the present dispute.
 - (3) If the village determines that the present dispute is timely and valid, the village, within three days after receipt of the customer's notice, shall arrange an informal meeting between the customer and an official of the village.
 - (4) Based on the village's records, the customer's allegations, and all of the relevant materials available to the official, the official shall resolve the dispute, attempting to do so in a manner satisfactory to both the village and the customer.
 - (5) Within five days of completion of the meeting, the official shall mail to the customer a copy of his decision resolving the dispute.
 - (6) If the decision is unsatisfactory to the customer, the customer, within five days of his receipt of the official's decision, may request, in writing, a formal hearing before a hearing examiner, to be appointed by the village manager.
 - (7) The formal hearing before the examiner shall be held within ten days of the village's receipt of a customer's written request.

- (8) At the hearing, the village and the customer shall be entitled to present all evidence that is, in the hearing examiner's view, relevant and material to the dispute, and to examine and cross examine witnesses. A tape recording or, at the option of the village, a stenographic record of the hearing shall be taken.
 - (9) Based on the record established at the hearing, the examiner, within five days of the completion of the hearing, shall issue his written decision formally resolving the dispute. His decision shall be final and binding on the village and the customer.
- (c) Utilization of this dispute procedure shall not relieve the customer of his obligation to timely and completely pay all other undisputed water and sewer service charges and the undisputed portions of the amounts which are the subject of the present dispute. Notwithstanding any provision of this article to the contrary, failure to timely and completely pay all such undisputed amounts shall subject a customer to termination of water service in accordance with the provisions of this article.
- (d) Until the date of the hearing examiner's or the village official's decision, whichever is later, the village shall not terminate the water service of the customer and shall not issue a notice of termination to him solely for nonpayment of the disputed amount. If it is determined that the customer must pay some or all of the disputed amount, the village shall promptly mail to, or personally serve upon the customer, a notice of termination which shall contain the following:
- (1) Amount to be paid;
 - (2) Date of the notice of termination;
 - (3) Date of termination, which shall be at least 13 days after the date of the notice of termination; and
 - (4) Notice that unless the village receives a complete payment of the amount shown prior to the date of termination, the water service shall be terminated.
- (e) The village shall terminate water service for nonpayment of water and sewer charges only during the hours of 9:00 a.m. to 3:00 p.m., Monday through Thursday. No terminations shall be permitted on a legal holiday or on the day before a legal holiday.
- (f) No termination shall be permitted on a day when the low temperature within the previous 24 hours, as reported by the national weather service at its first order station nearest the residence, was below zero degrees Fahrenheit. If water service to a customer has been terminated and not reinstated by 3:30 p.m. on the day of termination, when the low temperature within the previous 24 hours, as reported by the national weather service at its first order station nearest the residence, was below 32 degrees Fahrenheit, the department

shall notify the public safety department on the date of the termination of the following:

- (1) Name of the customer.
 - (2) Address and location of the structure no longer receiving water service.
 - (3) The possible threat to the health and life of all persons residing at the structure, if residential in nature.
 - (4) Hardship appeal. Before the date of the termination of water services, any customer who believes that they have a substantial hardship which can include financial, physical or other hardships that would justify not terminating the water services on the date of termination as set forth in the notice of termination may file an application for hardship appeal with the water services termination board of review.
- (a) The water services termination board of review shall be comprised of three members who shall be the president and/or his designee, and two residents of the village who shall be appointed by the president and confirmed by the village council.
 - (b) The water services termination board of review shall hold a hearing on each application for hardship appeal and shall notify in writing the customer of the date, time and location of the hearing and the customer shall be entitled to appear at the hearing and present evidence supporting his request.
 - (c) The water services termination board of review shall have the authority to change the date of termination of water services or to order that water services continue to be provided to the customer for whatever period of time is deemed appropriate by the water services termination board of review, provided that it finds that the customer has a substantial hardship which can include financial, physical or other hardships which would justify not terminating water service to the customer on the date of termination, as provided in the notice of termination.

Secs. 22-55.—22-64. Reserved.

EFFECTIVE DATE

This Amendatory Ordinance shall become effective 20 days (May 4, 2026) from the date of adoption and will be published in a newspaper of general circulation within the community.

Ayes: Rebholz, Hopper, Seid, Sharkey and Coey

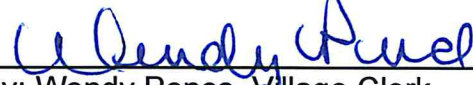
Nays: Perry

Absent:

ORDINANCE DECLARED ADOPTED.

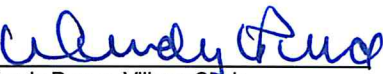
Date: April 13, 2026


By: Pamela Coey, Village President


By: Wendy Pence, Village Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Ontonagon, County of Ontonagon, State of Michigan, at a meeting held on April 13, 2026, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act. I further certify that the foregoing Ordinance was published on April 22, 2026 in the following newspaper: Ontonagon Herald.


Wendy Pence, Village Clerk