

VILLAGE OF CONCORD
JACKSON COUNTY, MICHIGAN
ORDINANCE # 159

An Ordinance to regulate water wells within the Village of Concord.

WHEREAS, the Village of Concord operates a public water distribution system for the residents of the Village of Concord; and,

WHEREAS, the cross connection of a private water well with the Village water system could lead to contamination of the water system; and,

WHEREAS, the existence of a private well within the Village could result in contamination of the underlying water source which supplies water to residents of the Village and potentially to other people within the State of Michigan; and,

WHEREAS, the Village Council has determined that it is in the best interests of its' residents to take action necessary to preserve the groundwater supply used by it and prevent contamination to such supply; and,

WHEREAS, Village representatives have consulted with persons qualified to make recommendations concerning protection of water systems from contaminants in general, and those contaminants which are regulated substances as defined in Section 21303(d) of Part 213, Act 451 of Public Acts of 1994; and,

WHEREAS, based upon such consultations and research, the Village Council has determined that the best way to protect the safety and welfare of its' residents from contamination of its' drinking water source and water distribution system is to prohibit the drilling or continued existence of private water wells on private property within the Village of Concord;

NOW, THEREFORE, the Village of Concord Ordains:

Section 1 – Definitions:

As used herein, the following shall apply:

- a. "Village" means the Village of Concord as its' Village limits now exist, or which may exist in the future as the result of the legal annexation or de-annexation from the Village, or by order of a court of competent jurisdiction.
- b. "Village Water Service/System" means that system of the Village of Concord within and outside the Village limits by which water is supplied to water users.
- c. "Well" means an opening in the surface of the earth for the purpose of removing water underneath the earth's surface by both mechanical and non-mechanical means.

Section 2 – Prohibition of Water Wells:

No person, firm, association, corporation, or any other entity shall install, construct, maintain, or use a water well within the Village for any purpose whatsoever, except for the following:

a. Wells installed and maintained for the purpose of groundwater monitoring and/or remediation as part of a response activity approved or required by the Michigan Department of Environmental Quality;

b. Wells installed for construction dewatering, provided that the water generated by that activity is handled and disposed of in accordance with all applicable laws and regulations, and as may be approved on a case-by-case basis by the Village Council and Michigan Department of Environmental Quality. Exacerbation, as defined in MCL 324.20101, caused by the use of wells under this exception shall be the responsibility of the person operating the dewatering well, as provided in Part 201 of 1994 PA 451, the Natural Resources and Environmental Protection Act (NREPA);

c. The Type II municipal wells operated by the Village of Concord, provided that these wells are subject to groundwater monitoring under the oversight of the Michigan Department of Environmental Quality (MDEQ) Water Division, its' successor, and/or its' designee, in accordance with Act 399 of 1976, the Michigan Safe Drinking Water Act, being MCL 325.1001—325.1023 et seq, and the applicable Part 7 Administrative Rules promulgated thereunder;

d. Wells installed and maintained to supply industrial cooling water or for large-scale irrigation purposes, as may be approved on a case-by-case basis by the Village Council and MDEQ;

e. Non-conforming private wells that service any property or structure (i) within the Village of Concord on the effective date of this Ordinance, or (ii) annexed into the Village after the effective date of this Ordinance. Private owners and operators may continue to use such non-conforming wells subject to all applicable state and local laws; provided, however, that any non-conforming well that fails to produce adequate water for the intended use or is not actively used shall be properly abandoned in accordance with the Jackson County Department of Environmental and Infrastructure standards. Exceptions to this subsection may be approved on a case-by-case basis by the Village Council and shall be subject to Section 3b hereof; or

f. in exceptional cases outside of the restricted zone, the Village may approve a new private well within the Village if municipal water is not reasonably accessible. Such requests must be approved by the Village Council.

Section 3 – Connection to Village Water System:

a. All properties with structures or which have a use for water usage shall connect to the Village water service except for the case-by-case exceptions as set forth in Section 2.

b. Any existing well which has not been plugged in accordance with the standards of the Jackson County Health Department or the State of Michigan Department of Environmental Quality or other applicable law, rule or regulation, shall be plugged in compliance therewith prior to any sale of the property after the date of this Ordinance. All wells, abandoned and functioning, discovered after the effective date of this Ordinance shall be noted on the water records. In the event there is a transfer of ownership of the property by any means prior to the well being properly plugged, the

property owner shall be notified of the non-compliance of this section and shall have a period of 30 days within which to have the non-compliance corrected. The Village may discontinue furnishing water service to the user if the well is not timely capped. In addition, in the event that a billing change is requested for a user, the Village may refuse to make such change until the well has been properly capped in accordance with the then State of Michigan Department of Environmental Quality requirements.

Section 4 – Connection to Public Water Main:

a. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purpose situation 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 public water main of the Village, is hereby required at their expense to install a water connection to the public water main in accordance with the provisions of this Ordinance, and the regulations supplementary hereto, prior to the issuance of an occupancy permit for said property.

b. Such connection must be approved by the Village. Before approval of the water connection, the Village may require plans and detailed drawings of such connections and have such certified by a registered engineer prior to approval and issuance of the permit to construct. The person making such connection shall be responsible for all costs of such connection, including any damages or costs to the Village, including but not limited to chlorination, sampling and testing as a result of or caused by such connection.

c. In the event the property requiring connection to the Village water system is not served by an existing water main, the property owner may be required to extend the existing water main to the property to be served. The terminus of such extension shall be determined by the Village and may, at its' sole discretion, be required to extend past the property line nearest to the existing water main. Plans must be approved prior to commencement of construction. Such plans and requirements shall be determined by the Village.

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

Section 5 – Private Installations:

Any person installing water mains at his/her own expense shall first submit plans and specifications of such work to the Village for approval. After such plans and specifications have been approved, the work shall be done under the supervision of the Village, which shall request such tests be made as it considers necessary and shall accept the installation for the Village 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 and shall also apply to any installations of water mains outside the Village limits where permission has been granted by the Village Council to connect to the mains.

Section 6 – Wellfield Protection Area:

a. The Village wellfield protection area is hereby designated for the purpose of protecting public health and the environment, and to prevent interference with the implementation of a remedy selected for the Village’s wellfield site pursuant to the United States Environmental Protection Agency’s (U.S. EPA) record of decision dated September 16, 1992.

b. The Village wellfield protection area is located as set forth in its Wellfield Protection Plan.

Section 7 – Protection of System Users:

a. It is the intent of this Ordinance to protect the public health and safety, and the water supply system of the Village. It is also the intent to prevent/eliminate possible contamination of the water supply system and also the underground or other sources of the water used by the Village. It is also the intent of this Ordinance to prevent waste and eliminate any action by private parties which may, in any way, deplete or lower the head or reservoir to the detriment or damage of other wells in the Village.

b. The water supply system of the Village is under the exclusive control of the Village Council and no person or persons other than the authorized agent or employees shall tap, change or in any way disturb such system. No person or persons shall interfere with such authorized agents or employees.

c. All approvals required, except for those specifically required from the Village Council, shall be given by the person or persons designated by the Village Council as being in charge of such system.

Section 8 – Notification to Department of Environmental Quality:

The Village shall notify the director of the DEQ 30 days prior to the modification, lapsing or revocation of the Ordinance.

Section 9 – Nuisance Per Se:

A violation of this Ordinance is hereby declared a public nuisance or a nuisance per se and is declared to be offensive to and a danger to the public health, safety and welfare.

Section 10 – Penalties:

a. The Village may take civil action requesting injunctive relief against any person, firm, association, corporation, or other entity found to be in violation of this Ordinance. This abatement action shall be in addition to any penalty imposed by Section (b) hereinafter.

b. Any person, firm, association, corporation or other entity who violates any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine of \$100.00. Each day this Ordinance is violated shall be a separate violation. Any action taken under this section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

Section 11 – Separability Clause:

All sections of this Ordinance are separable and should any section be declared invalid, such decision shall not affect the validity of the Ordinance as a whole.

Section 12 – Repeal of Conflicting Ordinances:

All Ordinances or portions of Ordinances conflicting with the provisions of this Ordinance are hereby repealed.

Section 13 – Effective Date:

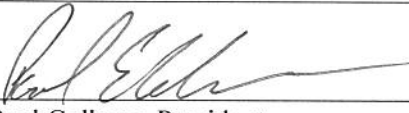
This Ordinance shall become effective 30 days after publication hereof.

Members Present: Sunday, Walter, Colburn, Ropp, Bush & Lovitt

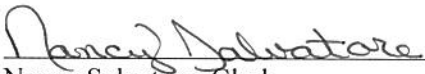
Members Absent: Adams

Ayes: Sunday, Walters, Colburn, Ropp, Bush & Lovitt

Nays: _____



Paul Colburn, President



Nancy Salvatore, Clerk

Published in County Press

**NOTICE/SYNOPSIS OF ADOPTION OF
VILLAGE OF CONCORD ORDINANCE #159**

Notice is given that on October 23, 2007, the Village of Concord Council adopted "Village of Concord Ordinance #159." Such Ordinance shall become effective 30 days after the date of publication of this Notice/Summary.

The effect of the Ordinance is as follows:

Section 1:

Defines certain relevant words used in the Ordinance.

Section 2:

Prohibits the use of private water wells within the Village and lists six exceptions to the prohibition.

Section 3:

Requires all water users to be connected to the Village water supply system and requires that an existing well on private property be properly plugged within 30 days after the sale of such property.

Section 4:

Regulates connections to the Village water system.

Section 5:

Regulates the construction and connection of privately constructed water mains to the Village water system.

Section 6:

Acknowledges the Village wellfield protection designation for its' water wells.

Section 7:

Clarifies the control/administration of the Village water system.

Section 8:

Requires notifications to the Michigan Department of Environmental Quality.

Section 9:

Declares violation of the Ordinance to be a nuisance per se.

Section 10:

Sets forth penalties for violating the Ordinance.

AFFIDAVIT OF PU

In the Matter of: Villa
No
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RALPH E. RICE, being first
the **COUNTY PRESS**, a newspaper
for the dissemination of information
of general character and legal
and that annexed hereto is a
newspaper, in which the or

Nov. 7 A.D., 20
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A.D.,
A.D.,

Signed [Signature]

Subscribed and sworn
of Decemb

[Signature]
Notary Public

My commission expires

Classified

Public Notice

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 - Section 6:** Acknowledges the Village wellfield protection designation for its' water wells.
 - Section 7:** Clarifies the control/administration of the Village water system.
 - Section 8:** Requires notifications to the Michigan Department of Environmental Quality.
 - Section 9:** Declares violation of the Ordinance to be a nuisance per se.
 - Section 10:** Sets forth penalties for violating the Ordinance.
 - Section 11:** Sets for the severability provision.
 - Section 12:** States the effective date of the Ordinance.
- Dated: 10/29, 2007**

Nancy Salvatore
Village Clerk

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Area Obituaries

Burke (Cavanaugh), Beth (Tonya) Wilson, Ruth (Darran) Lake; sisters-in-la
Anne O'Dell; eleven great-grandchildren; Mead, Karen (D.
Age 36, died at University of sister, Grace Merryfield; two sisters Wendy (Dave) Sl
Michigan Medical Center Tuesday, sisters-in-law; Cecil (Avery) Kelsall law, Larry Wrig
October 30, following a courageous and Betty Jo Tyshko; as well as Wright, and Ke
battle with scleroderma. Beth was nieces and nephews and special Wright; several
born in 1971, in Toledo, Ohio, to friends, Mary Vaughn and Blanche nephews. Bill wa
Robert and Ida Cavanaugh. Her Spitzley. Funeral arrangements Building Inspector
were entrusted to the Chapl departed time of