

AN ORDINANCE TO REPEAL SECTIONS 52.40 THROUGH 52.42 OF THE CITY CODE, REPLACE THEM WITH UPDATED SECTIONS, AND ADD SECTIONS 52.43 AND 52.44 TO ADDRESS PENALTIES AND APPEALS FOR WATER SYSTEM COMPLIANCE

CHAPTER 52: WATER

CITY OF CHEBOYGAN

Effective: December 30th, 2024

THE CITY OF CHEBOYGAN ORDAINS:

SECTION 1: REPEAL

Sections 52.40, 52.41, and 52.42 of the City Code, entitled “Adoption of Regulations by Council,” “Emergency Regulations,” “Discontinuance of Service for Violation,” and “Access to Premises,” respectively, are hereby repealed in their entirety.

SECTION 2: REPLACE

Sections 52.40 through 52.42 of the City Code are replaced with the following:

52.40 REGULATIONS GOVERNING THE WATER SYSTEM

(A) The City Council shall, from time to time, adopt regulations for the operation and use of the water system and the supply of water to consumers as the Council deems expedient and necessary. Such regulations, when adopted, shall become a part of this Chapter and be enforceable hereunder. The penalties prescribed in Chapter 10 of this Code shall apply to violations of any such regulations unless otherwise set by City Council Resolution.

(B) Whenever, in the discretion of the City, the amount of water pumpage from the distribution system reaches a volume such that, unless restricted, the public health, safety, and general welfare of the people may be endangered, the City shall prescribe rules and regulations to conserve the water supply during such an emergency.

52.41 DISCONTINUANCE OF WATER SERVICE

Water service to any premises may be disconnected from the City water system and withheld if the owner or occupant violates any provision of this Chapter or any regulations adopted under it. Water service shall not be restored until the owner or occupant pays a reconnection fee in the amount established by City Council Resolution, as recommended by the City Manager.

52.42 ACCESS TO PREMISES FOR WATER SYSTEM MAINTENANCE

The City or its agents shall have the authority to enter any premises where City water is furnished, at reasonable hours, to read meters, install meters, or inspect pipes and fixtures connected to the water system. They may require the repair, removal, or replacement of any defective pipes or fixtures that do not comply with the water system regulations. Failure or refusal to comply with such orders shall constitute a violation of this Code.

SECTION 3: ADDITIONS

Sections 52.43 and 52.44 are added to the City Code and shall read as follows:

52.43 PENALTIES FOR FAILURE TO ALLOW ACCESS, INSPECTION, OR REPAIR OF WATER METERS

(A) If a resident refuses to allow access for the installation, inspection, repair, reading of water meters, or associated items, the following penalties shall apply:

1. **Notice of Violation:** The resident shall receive a written Notice of Violation specifying the refusal and setting a deadline of thirty (30) days to comply with the City's request.
2. **Monetary Penalty:** If compliance is not achieved within thirty (30) days of the Notice of Violation, a fine shall be imposed for each month of non-compliance thereafter, as established by City Council Resolution.
3. **Water Service Shut-Off:** If non-compliance continues beyond sixty (60) days from the issuance of the Notice of Violation, the City may discontinue water service to the property. Restoration of water service shall require full payment of all accrued fines, outstanding water bills, and a service restoration fee as set by City Council Resolution.

(B) The penalties outlined in this Section shall be in addition to any other remedies available to the City under applicable law.

52.44 APPEALS

(A) Residents may appeal a Notice of Violation to the City Manager within ten (10) days of receipt. The appeal shall state the reasons for the refusal and any extenuating circumstances.

(B) The City Manager, or their designee, shall have the authority to enter into compliance agreements with water/sewer customers which may include waiving or modifying fees, fines, and service charges. Any waivers or modifications exceeding \$2,500 shall require City Council approval.

(C) The City Manager shall render a decision within twenty (20) days of receiving the appeal.

SECTION 4: SEVERABILITY

If any section, clause, or provision of this Ordinance is deemed invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining provisions.

SECTION 5: EFFECTIVE DATE

This Ordinance shall take effect twenty (20) days from and after its passage.

Made and passed by the City Council of the City of Cheboygan, Cheboygan County, Michigan, on this 10th day of December 2024, by a vote of six (6) ayes and one (1) nays.

Date of Publication: November 26th, 2024

Date of Adoption by City Council: December 10th, 2024

Date Ordinance Shall Take Effect: December 30th, 2024

Clerk's Certificate

The City Clerk for the City of Cheboygan does hereby certify that the foregoing repeal and replacement to this Ordinance was adopted at a regular meeting of the City Council of the City of Cheboygan on the 10th day of December 2024 and notice thereof was caused to be published in the Cheboygan Tribune on the 26th day of November 2024.



Alyssa Singles, Clerk