

CITY OF AUBURN HILLS
ORDINANCE NO. 17-890

AN ORDINANCE TO AMEND SECTION 74-145, WATER SERVICE – TURNING ON/OFF, OF ARTICLE IV, WATER DISTRIBUTION SYSTEM, OF CHAPTER 74, UTILITIES, OF THE AUBURN HILLS CITY CODE, AS AMENDED, BY ADDING NEW SUBSECTIONS (E) AND (F), TO PROVIDE THAT NO PERSON AND/OR ENTITY SHALL CONSUME, USE AND/OR UTILIZE WATER AND/OR WATER SERVICE FROM THE CITY WATER DISTRIBUTION SYSTEM, UNLESS SAID CONSUMPTION, USE AND/OR UTILIZATION IS PRE-APPROVED BY THE DIRECTOR OF PUBLIC WORKS AND SAID PERSON AND/OR ENTITY PAYS THE CITY FOR THE WATER AND/OR WATER SERVICE, AND TO ALSO PROVIDE THAT NO PERSON AND/OR ENTITY SHALL CONSUME, USE AND/OR UTILIZE WATER AND/OR WATER SERVICE FROM THE CITY WATER DISTRIBUTION SYSTEM UNLESS THAT PERSON AND/OR ENTITY UTILIZES THE PROPER DEVICE TO PREVENT BACK FLOW AND/OR BACK SIPHONING INTO THE CITY WATER DISTRIBUTION SYSTEM, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF SAID SUBSECTIONS.

THE CITY OF AUBURN HILLS ORDAINS:

Section 1.

Section 74-145, Water Service – Turning On/Off, of Article IV, Water Distribution System, of Chapter 74, Utilities, of the Auburn Hills City Code, as amended, is hereby amended by adding new subsections (e) and (f) to now read as follows:

(e) No person and/or entity, other than an authorized employee of the City, shall consume, use and/or utilize water and/or water service from the City water distribution system, unless said consumption, use and/or utilization of water and/or water service from the City water distribution system is pre-approved by the Director of Public Works and said person and/or entity pays the City for the water and/or water service from the City water distribution system that said person and/or entity consumes, uses and/or utilizes. In the event that a property is being developed and/or construction activities are taking place on the property and a contractor, subcontractor, and/or a person other than the owner of the property consumes, uses and/or utilizes water and/or water service from the City water distribution system without authorization from the Director of Public Works, then the property owner of said property, as well as the contractor, subcontractor and/or person other than the property owner, shall all be responsible for paying the City for the cost of the water and/or water service used, utilized and/or consumed and all shall be subject to the penalties provided for in this subsection (e).

Every person and/or entity violating the terms and provisions of this subsection (e) shall be responsible for and shall pay the City for any and all water and/or water service consumed, used and/or utilized and every person and/or entity convicted of a violation of this subsection (e) shall be guilty of a misdemeanor and shall be punished by a fine of Five Hundred Dollars (\$500.00) and the cost of prosecution and each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

(f) No person and/or entity, other than an authorized employee of the City, shall

consume, use and/or utilize water and/or water service from the City water distribution system unless they utilize a device to prevent back flow and/or back siphoning into the City's water distribution system. In the event that a property is being developed and/or construction activities are taking place on the property, and a contractor, subcontractor and/or person other than the owner of the property consumes, uses and/or utilizes water and/or water service from the City water distribution system without utilizing a device to prevent back flow and/or back siphoning into the City's water distribution system, then the property owner of said property as well as the contractor, subcontractor and/or person other than the property owner shall all be subject to the penalties provided for in this subsection (f).

Every person and/or entity violating the terms and provisions of this subsection (f) shall be responsible for and shall pay the City for any and all costs incurred by the City due to the back flow, back siphoning and/or contamination of and/or into the City's water distribution system caused by said person and/or entity consuming, using and/or utilizing water and/or water service from the City water distribution system without using a proper device to prevent back flow and back siphoning and said persons and/or entity shall be responsible for and shall pay to the City any and all costs incurred by the City in correcting any contamination and/or other damage to the City water distribution system that is caused by back flow and/or back siphoning resulting from said persons and/or entity's failure to use a proper device to prevent back flow and back siphoning including, but not limited to, any costs incurred by the City in testing the City's water distribution system and every person and/or entity convicted of a violation of this subsection (f) shall be guilty of a misdemeanor and shall be punished by a fine of \$500 and the cost of prosecution and each act of violation and every day upon which such violation shall occur shall constitute a separate offense.

Section 2. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Severability.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 4. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 5. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect upon publication in the manner prescribed by the Charter of the City of Auburn Hills.

Section 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Auburn Hills at a meeting thereof duly called and held on the 8th day of May, 2017, and ordered to be given publication in the manner prescribed by the Charter of the City of Auburn Hills.

AYES:

NAYS:

ABSTENTIONS:

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified Clerk of the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 17-890 adopted by the Auburn Hills City Council on the 8th day of May, 2017, the original of which is in my office.

TERRI KOWAL, City Clerk