

**CITY OF NILES**  
**CODE OF ORDINANCES**  
**SECONDARY WATER SUPPLY AMENDMENT**

**ORDINANCE NO. 495**

At a regular meeting of the City Council of the City of Niles, held on the 14<sup>th</sup> day of September 2020, at 6:00 p.m., Council Member Bertschy moved to adopt the following ordinance, which motion was seconded by Council Member DiCostanzo

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*An ordinance to amend Chapter 90- Utilities, Article III of the City of Niles Code of Ordinances to secure the health, safety, and general welfare of the residents and property owners of the City of Niles, Berrien County, Michigan, to advance the legitimate rational regulation of municipal water use.*

**THE CITY OF NILES, BERRIEN COUNTY, MICHIGAN ORDAINS:**

**SECTION 1. Amendment to the City of Niles Code of Ordinances, Chapter 90 - Utilities, Article III - Water, Division 1:** The City of Niles Code of Ordinances, Chapter 90 - Utilities, Article III - Water, Division 1 entitled "Generally", shall be amended to add Sec. 90-73, entitled "Prohibited Connections" and require owner(s) of occupied structures to connect to City water supply, where possible, and disconnect from other secondary water supply systems, unless otherwise provided:

**Sec. 90-73. - Prohibited Connections.**

(a) The owner(s) of all occupied structures where there is now, or hereafter may be, located a potable water system of the City of Niles shall connect to City potable water system and disconnect from all other secondary water supply systems, subject to the following exceptions:

1. The requirements of Section 90-73(a) shall not apply where the City potable water supply system is a distance greater than two hundred (200') feet from the nearest property line.
11. The requirements of Section 90-73(a) shall not apply to owners of occupied structures with secondary water supply systems supplemental to the City of Niles potable water system where the supplemental secondary water supply is used solely for plants, livestock, or other irrigation or agricultural purposes, provided none of the supplemental secondary water supply is connected to a habitable building or structure that is serviced by the City of Niles potable water system or is connected in anyway with the City of Niles potable water system.

iii. For purposes of this section, "Secondary water supply" shall be defined as a water supply system maintained in addition to a public water supply, or as later amended by the Water Supply Cross Connection Rules of the Michigan Department of Public Health.

iv. For purposes of this section, "Habitable building or structure" shall be defined as any building or structure, or part thereof, suitable for occupancy.

(b) Any secondary water supply system permitted under Section 90-73(a)(i) or (ii) shall not be permitted to the extent it is hazardous to the City's public water supply, which may occur in instances including, but not limited to, contamination or environmental threats or dangers to City aquifers. The utilities manager is hereby authorized and directed to take or cause to be taken necessary action to eliminate any danger or contamination of the public water supply system.

(c) Any person or customer of the city public water supply system found guilty of violation of any of the provisions of this section shall be deemed guilty of a misdemeanor.

**SECTION 2. Repeal:** Any and all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 3. Severability:** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**SECTION 4. Effective Date:** This Ordinance shall take immediate effect upon publication of a notice of adoption of this Ordinance in a local newspaper.

**ROLL CALL: AYE:** Bertschy, VandenHeede, Timm, McAfee, Weimer, DiCostanzo, and Nelson

**NAY:** None

**ABSENT:** Boggs

**MOTION CARRIED**

Motion Carried: ☒

Motion Defeated: ☐

**ORDINANCE DECLARED ENACTED**

This Ordinance was enacted by the City Council of the City of Niles, State of Michigan on the 14<sup>th</sup> day of September 2020 and approved by its Mayor and Clerk on said date.

CITY OF NILES, MICHIGAN

By: \_\_\_\_\_  
N. Shelton  
Mayor

By: \_\_\_\_\_  
Linda Casperson  
Clerk

1<sup>st</sup> Reading: August 24, 2020  
2<sup>nd</sup> Reading and Enactment: September 14, 2020  
Published: September 16, 2020  
Effective Date: September 16, 2020