

Chapter 127

WATER WELLS, PRIVATE

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[HISTORY: Adopted by the Village Council of the Village of Bellaire 2-5-1998 by Ord. No. 53-1997. Amendments noted where applicable.]

GENERAL REFERENCES

Sewer use — See Ch. 91.
Water — See Ch. 123.

§ 127-1. **Legislative findings.**

The Bellaire Village Council hereby makes the following legislative findings:

- A. A regulated substance, as defined in Section 21303(d), Part 213, Act 451, of the Public Acts of 1994, is currently located within the Village of Bellaire in the impact area which is described below.
- B. The Village operates its own water service. As a result, there is no need to install private water wells in the impact area.
- C. The consulting firm of Environmental Testing & Consulting, Inc., has determined that human exposure to the regulated substance in groundwater may be reliably restricted by a means other than restrictive covenants. Moreover, restrictive covenants cannot be forced on private landowners. As a result, this regulatory chapter is the most feasible method of protecting the public health.

§ 127-2. **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

IMPACT AREA — Land located within the Village of Bellaire, Antrim County, Michigan, which is described as follows:

- A. "BEGINNING at the intersection of the center line of Birch Street, extended northerly, with the southerly water's edge of the Cedar River, as shown on RICHARDI'S ADDITION TO BELLAIRE, Liber 1 of plats page 145, Antrim

County Records; thence south along the center line of Birch Street to the center line of M-88 Highway (AKA: Cayuga Street) and the north line of Section 30, T30N, R7W; thence east along said line 383 feet; thence south along the line common to Lots 7 & 8, Block B, BRIGG'S & ADAMS ADDITION TO THE VILLAGE OF BELLAIRE, Liber 199 of plats page 525, Antrim County Records, 183 feet; thence east 228 feet along the south line of Lots 8 through 12, inclusive, to the center line of M-88 Highway and the east 1/8 line of said Section 30 and the center line of M-88 Highway; thence north along the east 1/8 line of said Section 30 and the center line of M-88 Highway, becoming the center line of Division Street, 1120 feet, more or less, to the southerly water's edge of the Cedar River; thence southwesterly along the water's edge of the Cedar River, 800 feet more or less to the POINT OF BEGINNING, being a part of the SE 1/4 of Section 19 and a part of the NE 1/4 of Section 30, all being in T30N, R7W.

VILLAGE — the Village of Bellaire.

VILLAGE WATER SERVICE — the water supplied by the Village of Bellaire.

§ 127-3. Private water wells prohibited.

No person, firm, association, corporation, or any other entity shall install, construct, develop, maintain or use a water well within the impact area for any purpose whatsoever, except for the purpose of monitoring groundwater contamination.

§ 127-4. Connection to Village water service required.

The owner or occupant of any property or structure within the impact area that is currently serviced by a private water well shall remove or otherwise disable the water well and connect to the Village water service within 30 days of the effective date of this chapter. The abandoned water well shall be plugged pursuant to State of Michigan Administrative Rule R 325.1663 or other applicable administrative rule or law. The owner or occupant of any property or structure within the impact area that desires water service at the property or structure shall connect to the Village water service.

§ 127-5. Notification to Department of Environmental Quality.

If the Village ever intends to amend or repeal this chapter, it shall notify the Michigan Department of Environmental Quality, or its successors, of its intentions no less than 30 days before such amendment or repeal is enacted.¹

§ 127-6. Penalties. [Amended 9-17-1998 by Ord. No. 61-1998²]

A. Municipal civil infractions; penalties. Any person who violates any provision of this chapter shall be responsible for a municipal civil infraction as defined in Public Act

1. Editor's Note: Original Section 2(5), Nuisance per se, and Section 2(6), Court action for abatement of nuisance, which immediately followed this section, were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). See now § 127-6C and D.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

12 of 1994, amending Public Act 236 of 1961, being Sections 600.101 to 600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than \$500. Each day this chapter is violated shall be considered as a separate violation.

- B. Enforcement officials. Officers of the Bellaire Police Department, and other Village officials designated by resolution of the Village Council, are hereby authorized to issue municipal civil infractions under this chapter directing offenders to appear in court.
- C. Nuisance per se. A violation of this chapter is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.
- D. Civil remedies. In addition to enforcing this chapter through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this chapter.

§ 127-7. Filing of chapter with Register of Deeds required.

The Village shall file a certified copy of this chapter with the County Register of Deeds as an ordinance affecting multiple properties no more than 30 days after it becomes effective.