

**(New Section 53.30 et. Seq.) OUTDOOR IRRIGATION METERING**

**The Village of Lake Orion ordains:**

**Section 1. Findings and Purpose**

The Village Council finds that:

1. The Village operates a public water supply system for the benefit of residents and businesses, in accordance with the Municipal Code and Michigan law.
2. Outdoor irrigation (landscape, lawn, ornamental watering) constitutes a considerable portion of water consumption, which may not flow into the sanitary sewer system and thus is distinct in cost and infrastructure impact from indoor/domestic water usage.
3. It is in the public interest to allow property owners the option of separate metering of irrigation use so as to promote fairness in billing (e.g., segregating water that does not enter sanitary collection), encourage water conservation, and provide transparency of water usage.
4. It is necessary to adopt standards and procedures to ensure that installation of separate irrigation meters complies with the Village's metering, service connection, and cross-connection and backflow prevention ordinances and State requirements.
5. This ordinance is adopted under the Village's authority to regulate its water service, meter installations, service fees, and protective plumbing and backflow-control measures, in conjunction with the Michigan Safe Drinking Water Act, the Michigan Administrative Code (including R 325.11403 et seq.), and other applicable statutes and regulations.

**Section 2. Amendment of Chapter 53: Definitions**

Chapter 53 of the Village Code is hereby amended to add the following definitions:

**Backflow Prevention Device** means an assembly, device or method approved by the Village and in accordance with Michigan Administrative Code R 325.11403 and R 325.11404 designed to prevent backflow or backsiphonage into the potable water supply.

**Bypass** means any plumbing configuration or connection that allows water use without passing through the applicable meter.

**Irrigation Meter** means a meter installed on the irrigation service line (or branch) that measures the volume of water used exclusively for outdoor irrigation, separate from the main domestic water meter.

**Irrigation Service Line** means a dedicated service line or branch which supplies water exclusively for outdoor lawn, landscape, ornamental irrigation or similar uses and which is separate from the interior domestic plumbing.

**Main Service Meter** means the primary water meter through which all water entering the premises from the Village system is measured, unless separated by approved irrigation meter(s).

**Owner** means the person or entity who owns the property served by water from the Village system, or who is responsible for the payment of water service and maintaining the plumbing of the premises.

**User** means the occupant of a property served by the Village water system who uses water service, whether residential, commercial or institutional.

### **Section 3. Authorization for Separate Irrigation Metering**

1. The Village hereby authorizes property owners to make application to the Village to install a separate Irrigation Meter for the sole purpose of measuring outdoor irrigation water use.
2. All such installations shall be subject to the requirements set forth in this ordinance, applicable plumbing codes, cross-connection control requirements, and the provisions of Chapter 53.

### **Section 4. Application, Installation and Approval**

1. Application. An owner or authorized agent shall file an application with the Village Clerk or designated Village Water Department on forms provided by the Village. The application shall include:
  - a. A site plan or plumbing schematic showing the layout of the irrigation service line, meter location, connection to the main service line, and backflow prevention device(s).
  - b. Documentation of compliance or proposed compliance with cross-connection/backflow prevention requirements.
  - c. An agreement by the owner to pay all costs, fees or deposits established by Village Resolution for the irrigation meter installation, inspection, maintenance, testing and monitoring.
  - d. Certification that the irrigation system will be so plumbed that all water used for outdoor irrigation passes through the Irrigation Meter (no unauthorized bypass).
2. Approval. The Village Manager or designee shall review the application for compliance with Village's water service and metering standards, the Code of Ordinances, and Michigan cross-connection rules. If approved, the Village will authorize the installation of the meter subject to the owner fulfilling installation prerequisites.
3. Installation. After approval, the owner shall arrange and complete the installation of the Irrigation Meter and associated plumbing modifications to ensure:
  - a. The meter is furnished by the Village (or as designated by the Village) and remains property of the Village, consistent with § 53.05 of the Code. [American Legal Publishing+1](#)
  - b. The meter is set in a location, orientation and configuration acceptable to the Village as per § 53.05 of the Code. [American Legal Publishing+1](#)
  - c. All irrigation water usage passes through the meter; no bypass or unauthorized connection is permitted.
  - d. Backflow prevention devices (vacuum breakers, double-check assemblies, or as required by state regulations) are installed, tested and certified in accordance with the Michigan Administrative Code and the Village's cross-connection ordinance.

- e. The owner is responsible for piping modifications, frost protection, meter pit or enclosure if required, and until inspection and acceptance by the Village, no irrigation service may be billed as “metered irrigation.”
4. Inspection and Acceptance. The Village shall inspect the installed meter, service line and backflow prevention device. If acceptable, the Village will activate billing under the separate meter. If unacceptable, the owner shall correct deficiencies at the owner’s expense.
5. The Village shall not be responsible for damage or loss resulting from the owner’s private plumbing work or irrigation system installation.

#### **Section 5. Billing, Rates and Usage Charges**

1. Meter Reading and Billing. The Irrigation Meter shall be read on the same schedule as the main service meter (or as otherwise determined by the Village). Usage recorded on the Irrigation Meter shall be billed separately from the main service meter usage.
2. Adjustment. The Village shall exclude sewage usage billing on irrigation-only water usage if the Village can reasonably determine that irrigation flow does not enter sanitary sewer. Base or ready-to-serve sewer charges shall not be adjusted.
3. Main Meter Billing. The main service meter shall continue to measure indoor/domestic water usage and be billed accordingly under the regular rates established by the Village.
4. Reversion. If the Irrigation Meter is removed or bypassed, or the irrigation service line is modified without approval, the Village may revert to billing all usage through the main meter at standard rates and may impose back-billing for unmetered irrigation flows.

#### **Section 6. Maintenance, Ownership and Responsibility**

1. Ownership. The Irrigation Meter shall remain the property of the Village, consistent with § 53.05(C) of the Code. [American Legal Publishing](#)
2. Maintenance by Village. The Village shall maintain, test and replace the meter as needed, unless replacement is necessary due to neglect, freezing, unauthorized modification or failure to protect the meter, in which case the owner shall bear the costs. (§ 53.05(H)) [American Legal Publishing](#)
3. Access. The owner shall allow access by Village personnel or designated agents for reading, inspection, maintenance or testing of the meter and related equipment.
4. Protection. The owner is responsible for protecting the meter, piping and backflow prevention device from freezing, damage or vandalism, and for repairs to private-side piping downstream of the meter. (§ 53.09(B), (C)) [American Legal Publishing](#)
5. Tampering. It shall be unlawful for any person other than authorized Village personnel to remove, alter, bypass or tamper with the meter, seals or service lines. Unauthorized tampering may result in service shut-off, penalties and billing adjustments. (§ 53.05(I)) [American Legal Publishing](#)
6. The owner shall notify the Village immediately if the irrigation meter or associated plumbing is damaged, frozen, or otherwise inoperable.

#### **Section 7. Cross-Connection and Backflow Prevention Compliance**

1. The owner shall comply fully with the Village's cross-connection control program and the Michigan Administrative Code (R 325.11403, R 325.11404) regarding backflow prevention devices.
2. Proof of annual or other periodic testing of the backflow prevention device (if required) must be submitted to the Village by the owner or tester. Failure to submit or maintain certification may result in suspension of the irrigation service until compliance is achieved.
3. The owner must ensure that the irrigation system is physically isolated or plumbed appropriately so that no cross-connection exists between the irrigation service line and any non-potable source or untreated water supply.
4. The Village may inspect the irrigation plumbing prior to meter installation and periodically thereafter to verify compliance with cross-connection and backflow requirements.

### **Section 8. Enforcement, Penalties and Service Termination**

1. Any violation of this ordinance or the provisions of Chapter 53 related to metering, bypassing, tampering, backflow prevention, non-payment of bills, or unauthorized changes to the irrigation service line may result in:
  - a. Reversion to billing all water usage through the main service meter, including any sewer charges, and back-billing retroactively for unmetered irrigation usage.
  - b. Late-payment fees, shut-off of water service, re-connection fees, or other sanctions as provided in Chapter 53 (e.g., § 53.26 in the Village Code relates to violations).
  - c. A fine and/or penalty as permitted under state law and local ordinance for each day the violation continues, and recovery by the Village of its costs for meter removal/repair, inspection, remediation, legal fees, and other administrative costs.
2. In the event of service termination, the owner shall bear all costs of reconnection, including installation of a proper Irrigation Meter or correction of plumbing as required.
3. The Village Manager shall refuse to permit, or shall revoke authorization for, separate irrigation metering if the owner fails to maintain compliance with this ordinance, Chapter 53 or state regulations.

### **Section 9. Fees**

The Village Council shall by resolution adopt and may from time to time revise:

1. Application fee for separate irrigation metering permit.
2. Installation fee or deposit for the Irrigation Meter (if applicable).
3. Meter testing fee.
4. Turn-off / turn-on fees, late payment fees, and other applicable charges as per Chapter 53.
5. Fees for backflow prevention device inspection or verification if imposed by the Village.

### **Section 10. Transition and Effective Date**

1. Properties with pre-existing separate irrigation meters approved by the Village shall be subject to the provisions of this ordinance and any transitional arrangements the Village may adopt.

2. This ordinance shall take effect shall become effective immediately upon the publication of a synopsis as required by Village Charter.

**Section 11. Severability**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.