

AMENDMENT #1 TO REVISED ORDINANCE NUMBER 41
AN AMENDMENT TO REVISED ORDINANCE NUMBER 41 PROVIDING FOR
PROPERTY OWNERS AND/OR OCCUPIERS OF LANDS WITHIN THE CITY LIMITS
OF THE CITY OF CARSON CITY PROHIBITING ANY CONNECTION OR
ARRANGEMENT OF PIPING OR APPURTENANCES THROUGH WHICH WATER OF
QUESTIONABLE QUALITY, WASTES OR OTHER CONTAMINANTS COULD
ENTER THE PUBLIC WATER SUPPLY SYSTEM.
THE CITY OF CARSON CITY ORDAINS: THAT REVISED ORDINANCE NUMBER 41
IS HEREBY AMENDED AS FOLLOWS:

CHAPTER 41.4
TESTING

All testable backflow prevention assemblies shall be tested initially upon installation to be sure that the assembly is working properly. Subsequently testing of the assemblies shall be tested as required by the City Department of Public Works in accordance with Michigan Department of Environmental Quality requirements. Only individuals that are ASSE 5110 (Certified backflow Tester) shall be qualified to perform such testing. The individual(s) shall certify the results of his/her testing.

CHAPTER 41.8
CONFLICTING ORDINANCES AND AMENDMENTS SUPERSEDED

41.801 Present Revised Ordinance. On the effective date of the adoption of this Amendment all remaining chapters and sections that are not subject to change by this Amendment shall continue to remain in effect as revised on November 17, 2015.

41.802 Conflicts. All other ordinances, amendments, or provisions thereof, which may be inconsistent or in conflict with this Amendment are hereby repealed.

CHAPTER 41.9
SEVERABILITY

Should any word, phrase, sentence, paragraph or section of this Amendment be held invalid or unconstitutional, the remaining provision of this Amendment to Revised City Ordinance Number 41 shall remain in full force and effect

Page 1 of 2 of Amendment #1 to Revised Ordinance Number 41

REVISED ORDINANCE NUMBER FORTY-ONE

A REVISED ORDINANCE PROVIDING FOR PROPERTY OWNERS AND/OR OCCUPIERS OF LANDS WITHIN THE CITY LIMITS OF THE CITY OF CARSON CITY PROHIBITING ANY CONNECTION OR ARRANGEMENT OF PIPING OR APPURTENANCES THROUGH WHICH WATER OF QUESTIONABLE QUALITY, WASTES OR OTHER CONTAMINANTS COULD ENTER THE PUBLIC WATER SUPPLY SYSTEM.

THE CITY OF CARSON CITY ORDAINS:

CHAPTER 41.1

ESTABLISHMENT OF REVISED ORDINANCE

41.101 Short Title. This Revised Ordinance shall be known as the "Revised Cross Connection Ordinance" [originally enacted on February 20, 1973, Effective March 5, 1973].

41.102 Authority. The City adopts by reference the Water Supply Cross Connection rules of the Michigan Department Environmental Quality being R325.11401 to R325.11407 and amendments, inclusive, of the Michigan Administrative Code.

41.103 Purpose. This Ordinance is revised for the prohibiting of any person to make, or allow under control of such person, a cross connection between the public water supply and a secondary water supply system to protect the health, safety and general welfare of the City of Carson City.

CHAPTER 41.2

INSPECTIONS

It shall be the duty of the City of Carson City Department of Public Works or its authorized agent to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential; health hazards involved shall be as established by the Carson City Water Department and as approved by the Michigan Department of Environmental Quality.

CHAPTER 41.3

ENFORCEMENT OF PLUMBING STANDARDS

The representative of any approved inspection agency shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of Carson City for the purpose of inspecting the piping system or systems thereof for cross connections. On request the owner, lessee or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

CHAPTER 41.4

TESTING

All testable backflow prevention assemblies shall be tested initially upon installation to be sure that the assembly is working properly. Subsequently testing of the assemblies shall be tested on an annual basis as required by the City Department of Public Works in accordance with Michigan Department of Environmental Quality requirements. Only individuals that are approved and State of Michigan Certified shall be qualified to perform such testing. The individual(s) shall certify the results of such testing.

CHAPTER 41.5

COMPLIANCE PERIOD OF TIME

The Carson City Water Department is hereby authorized and directed to discontinue water service, after reasonable notice, to any property wherein any connection in violation of this revised ordinance exists, and to take such other precautionary measure deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated In compliance with the provisions of this Revised Ordinance.

CHAPTER 41.6

NOTICE OF VIOLATION

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this Revised Ordinance and by the state plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

Water Unsafe For Drinking

CHAPTER 41.7

VIOLATION; PENALTIES AND REMEDIES FOR VIOLATION

41.701 Misdemeanor Complaint, Enforcement and Penalties. That any person or customer found guilty of violating any of the provisions of this ordinance, or any written order of the Water Department in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500.00 for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this Revised Ordinance.

41.702 Civil Remedies for Violation

- A. Action in Circuit Court. In case any dwelling or dwelling unit is maintained in violation of any provision of this Revised Ordinance or of any order of notice given hereunder, or in case a nuisance exists due to any cross connection the City, may institute an action in Circuit Court to prevent such unlawful maintenance, to restrain, correct or abate such violation or nuisance, or to prevent any illegal act of conduct from existing in such unit.
- B. Lien on Premises. In appropriate cases, the City shall have the lien upon the premises for the expenses necessarily incurred in the execution of any Circuit Court. Such lien may be foreclosed, as in the case of foreclosure of mortgages by Circuit Court action.
- C. Lis Pendens Notice. In any action instituted by the City under this Ordinance, the City Attorney shall file in the Office of the Register of Deeds of the County, a notice of Lis Pendens. A notice may be filed at the

time of commencement of the action or proceedings, or at any time thereafter before final judgment or order, or at any time after the service of any notice or order issued by the City. Any notice may be vacated upon the order of the Circuit Court in which the action or proceeding was instituted or is pending, or upon consent in writing of the City Attorney.

CHAPTER 41.8

CONFLICTING ORDINANCES AND AMENDMENTS SUPERSEDED

41.801 Present Ordinance. On the effective date of the adoption of this Revised Ordinance, Ordinance Number Forty-One as originally adopted on February 20, 1973, effective on March 5, 1973 is hereby superseded.

41.802 Conflicts. All other ordinances, amendments, or provisions thereof, which may be inconsistent or in conflict with this Revised Ordinance are hereby repealed.

CHAPTER 41.9

SEPARABILITY

If any section, subsection, paragraph, clause, phrase or portion of this Revised Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

CHAPTER 41.10

EFFECTIVE DATE

This Revised Ordinance shall become effective thirty days after publication of the Revised Ordinance or thirty days after publication of a summary of its provisions in a local newspaper of general circulation. During this thirty days, the Ordinance as it now reads shall remain effective, and thereafter shall be superseded pursuant to Chapter 41.8 of this Revised Ordinance.

CHAPTER 41.11

PUBLICATION

Pursuant to Section 7.4 of the Charter of the City of Carson City, this Revised Ordinance shall be published within fifteen days of its enactment and a copy of this Revised Ordinance was published in the Greenville Daily News on 11-28-2015, 2015, pursuant to Section 7.4(b) of the City Charter of the City of Carson City.

CERTIFICATION OF ENACTMENT

We the undersigned, as Mayor and City Comptroller of the City of Carson City, Michigan, do hereby certify that this Revised Ordinance Number 41, of the City of Carson City, was introduced at a regular meeting of the City Council held on October 20, 2015, and was thereafter adopted and passed at a regular meeting held on November 17, 2015 by a vote of Six (6); for Zero (0) against; and Zero (0) abstaining.

Bruce Tasker
Bruce Tasker, Mayor

Cindy Schaefer
Cindy Schaefer, City Comptroller

AFFP
changes to Ordinance 41

Affidavit of Publication

STATE OF MICHIGAN }
COUNTY OF MONTCALM } SS

NOTICE
Public Hearing
At City Hall in Carson City
November 17, 2105 at 6:30 p.m.

Tarra Scott, being duly sworn, says:

Discuss changes to Ordinance 41, Water Cross Connection.
Regular Council Meeting will follow immediately after Public Hearing.

Cindy Schafer,
Comptroller

That she is Agent of the Daily News Greenville, a daily newspaper of general circulation, printed and published in Greenville, Montcalm County, Michigan ; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

October 31, 2015

That said newspaper was regularly issued and circulated on the following dates.

SIGNED:



Agent

Subscribed to and sworn to me this 31st day of October 2015.



Amber M. Rood, , Montcalm County, Michigan

My commission expires: September 16, 2018

02111766 00223755

City of Carson City
123 E. Main St.
Carson City, MI 48811

ORDINANCE NUMBER FORTY-ONE

THE CITY OF CARSON CITY ORDAINS:

SECTION I. That the City adopts by reference the Water Supply Cross Connection rules of the Michigan Department of Public Health being R325,431 to R325.440 of the Michigan Administrative Code.

SECTION II. That it shall be the duty of the City of Carson City to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Carson City Water Department and as approved by the Michigan Department of Public Health.

SECTION III. That the representative of any inspection agency shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of Carson City for the purpose of inspecting the piping system or systems thereof for cross connections. On request the owner, lessee or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

SECTION IV. That the Carson City Water Department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.

SECTION V. That the potable water supply made available on this properties served by the public water supply shall be protected from possible contamination as specified by this ordinance and by the state and city plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

Water unsafe for Drinking

SECTION VI. That this ordinance does not supercede the state plumbing code but is supplementary to it.

Ordinance Number Forty-one Cont'd.

SECTION VII. That any person or customer found guilty of violating any of the provisions of this ordinance, or any written order of the Water Department in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$100.00 for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this ordinance.

SECTION VIII. This Ordinance #41 shall take effect and be enforced from and after the 5th day of March 1973.

Adopted and approved by the City Council of the City of Carson City on this 20th day of February 1973.

Motion by: Simon

Supported by: Hecht


Paul Geller, Mayor


Velma Tabor, Comptroller

PLEASE ALSO REFER TO OTHER ORDINANCES:

Water Supply Number 23 with Eight Amendments
Bond Sanitary Sewer System Number 29
Sewer Rate Number 30 with Amendments
Revised Sewer Rules and Regulations Number 31
Water Supply Cross Connection Rules Number 41
Water Distribution and Production System Number 61