

ALLENDALE CHARTER TOWNSHIP
CROSS CONNECTION ORDINANCE

Ordinance 2004-6

AN ORDINANCE to control and regulate cross connections to the public water supply system; to prevent the entry into the public water system of water of questionable quality, or which is contaminated with waste or other contaminants; to authorize the development and implementation of a comprehensive program for the regulation and control of cross connections; to **provide for cross connection program fees**; to provide for the inspection of public or private property with respect to cross connections; to provide for the discontinuation of water service or other precautionary measures necessary to protect the public water supply system; to provide penalties for the violation of this Ordinance; to provide for administrative liability, severability, a savings clause, the repeal of conflicting ordinances, and an effective date; and to provide for and regulate the public health, safety, and general welfare.

THE ALLENDALE CHARTER TOWNSHIP, OTTAWA COUNTY, MICHIGAN ORDAINS:

Section 1. Short Title.

This Ordinance may be referred to as the **ALLENDALE CHARTER TOWNSHIP Cross Connection Ordinance**.

Section 2. Purpose.

The purpose of this Ordinance is to provide for and regulate the public health, safety, and general welfare by regulating and controlling connections to the public water supply in order to prevent entry into the public water supply of water of questionable quality, or water which is contaminated with waste or other contaminants.

Section 3. Legal Authority.

This Ordinance is enacted pursuant to "the authority granted by Michigan Compiled Laws Sections 42.15, 42.5(2), and 41.181".

Section 4. Rules Applying to Text.

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general;
2. The headings which title various articles and sections are for convenience only and are not to be considered in any construction or interpretation of the Ordinance or as enlarging or restricting the terms and provisions of the Ordinance in any respect;
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive;
4. Words used in the present tense shall include the future, words used in the singular number shall include the plural, and words used in the plural number shall include the singular, unless the context clearly indicates the contrary;
5. The word "person" includes a firm, association, partnership, joint venture, corporation, limited liability company, trust, municipal or public entity or any other legal entity, or a combination of any of them, as well as a natural person; and
6. Any word or phrase not defined in this Section 4 or in Section 5 shall be considered to be defined in accordance with its common or standard definition.

Section 5. Definitions.

The following listed words and phrases are defined for the purpose of their use in this Ordinance. These definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

“Backflow” means water of questionable quality, or which is contaminated with wastes or other contaminants, which enters a public water supply system due to a reversal of flow.

“Cross Connection” means a connection or arrangement of piping or appurtenances through which a Backflow could occur.

“Program” means the cross connection control program referred to in Section 9 of this Ordinance.

“Secondary Water Supply” means a water supply system maintained in addition to a public water supply, including, but not limited to, (i) water systems supplied from ground or surface sources not meeting the requirements of MCL Section 325.1001 to 325.1023, or the requirements of any similar successor Michigan statute, or (ii) water from a public water supply which in any way has been treated, processed, or exposed to any possible contaminant or which has been stored in other than an approved storage facility. A private water storage tank supplied from the System shall be deemed a Secondary Water Supply unless it is designated as and is approved by the Water Utility for potable water storage and usage.

“Submerged Inlet” means a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture, container, or appliance which may contain water of questionable quality, or water contaminated by waste or other contaminants, and which is not protected against Backflow.

“System” means the **ALLENDALE CHARTER TOWNSHIP** water supply and distribution system.

“Water Utility” means the **ALLENDALE CHARTER TOWNSHIP** water department.

Section 6. Prohibitions.

The following Cross Connections are prohibited:

1. A Cross Connection between the System and a Secondary Water Supply.
2. A Cross Connection with a Submerged Inlet.
3. A Cross Connection between the System and piping immersed in a tank or vessel which may contain a contaminant.
4. A Cross Connection between the System and piping which may contain sanitary waste, a chemical contaminant, or any other type contaminant including, but without limitation, a Cross Connection between the System and a lawn sprinkler system or a fire sprinkler system.

Section 7. Piping Identification.

When a Secondary Water Supply is used in addition to the System, exposed public water and secondary water supply piping shall be identified by distinguishing colors or tags and so maintained so that each pipe may be readily traced in its entirety. If piping is installed in a manner so that it is impossible to trace in its entirety, the System shall be protected at the service connection in a manner acceptable to the Water Utility.

Section 8. Water Outlet Labeling.

Any water outlet which could be used for potable or domestic purposes and which is not supplied by the System shall be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

Section 9. Cross Connection Program.

The Water Utility is hereby authorized and directed to prepare a comprehensive Cross Connection Control Program for the elimination and prevention of Cross Connections including, but not limited to, provisions pertaining to the installation, maintenance, testing, reporting, and inspecting of Backflow prevention devices, piping labeling, and water outlet labeling. The Program shall also provide for discontinuation of water service from the System pursuant to the provisions of Section 13 of this Ordinance. The Program shall be administered by the Water Utility. The provisions of the Program, and all amendments thereto, shall be approved by resolution of the **Township Board**. The Program shall meet with the approval of the Michigan Department of Environmental Quality Water Division. Any violation of the Program shall be deemed a violation of this Ordinance.

Section 10. Inspection.

The Program shall include procedures and arrangements for the Water Utility, or its authorized inspection agent, to complete Cross Connection inspections and re-inspections. The frequency of the inspections and re-inspections shall be provided for in the Program and shall be based on the potential health hazard which exists.

Section 11. Entry, Information, and Presumption.

The Water Utility, or its authorized inspection agent, shall have the right to enter at any reasonable time any premises served with a public water supply by a connection to the System for the purpose of Cross Connection inspections and re-inspections. On request, the owner, lessee, or occupant of any property so served shall furnish to the Water Utility or its authorized inspection agent any pertinent information regarding the water piping system or systems on the property. The refusal of such information or the refusal of access, when requested, shall be deemed to be evidence of the presence of a Cross Connection.

Section 12. Protective Devices.

A user of the System shall, as is provided in the Program, provide an appropriate means to protect against the hazards of each and every Cross Connection on the user's premises.

Section 13. Termination of Water Service.

The Water Utility is hereby authorized and directed to terminate water service from the System, after following those procedures provided for in the Program, to any premises which is in violation of this Ordinance or the Program. The Water Utility is also authorized to take such other precautionary measures as the Water Utility deems necessary to eliminate any danger of contamination of the System. If the Water Utility determines that there is an actual threat to the public health, through poisoning or through the spread of disease by sewage, industrial fluids or waste, the water service may be terminated immediately as is provided in the Program.

Section 14. Owner Responsibilities.

The owner(s) and occupant(s) of any premises connected to the System, at their sole expense, shall have all of the following duties and responsibilities:

1. To eliminate all Cross Connections on the premises;
2. To install, maintain, test, or have tested, all Backflow prevention devices on the premises.

3. To correct any malfunction of a Backflow prevention device revealed by testing.
4. To inform the Water Utility in writing of any proposed or modified Cross Connection and also of any existing Cross Connection which has not been previously disclosed to the Water Utility in writing.
5. To refrain from installing a bypass around any Backflow prevention device unless there is a suitable Backflow prevention device on the bypass. If it is not possible to shut down operations in order to test a Backflow prevention device, additional devices shall be provided as necessary to allow testing the Backflow prevention device.

Section 15. Backflow Prevention Devices

All Backflow prevention devices shall be approved and installed as is provided in the Program. All Backflow prevention devices shall be tested as is provided in the Program.

Section 16. Program Fees.

The Township Board may by resolution establish fees to be charged to customers of the System that are reasonably related to the cost of the services provided to the customer in connection with the administration and enforcement of this Ordinance and the Program for the elimination and prevention of Cross Connections.

Section 17. Penalties.

Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of this Ordinance, shall be responsible for a municipal civil infraction, and shall be subject to the enforcement procedures set forth in Ordinance No. 1995-1 (the "Municipal Civil Infraction Ordinance") adopted by the Township on January 19, 1995, as may be amended from time to time, and a fine of Fifty Dollars (\$50.00), plus costs and other sanctions, for each infraction. Each day during which any violation of this Ordinance continues shall be deemed a separate and distinct offense. Increased civil fines shall be imposed for repeated violations of this Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any 12-month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations shall be as follows:

1. The fine for any offense which is a first repeat offense shall be Two Hundred and Fifty Dollars (\$250.00), plus costs and other sanctions;
2. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be Five Hundred Dollars (\$500.00), plus costs and other sanctions.

The Water Utility Department personnel, members of the Ottawa County Sheriff's Department assigned to the Township, and members of the Ottawa County Sheriff's Department whose services are contracted for by the Township, are each hereby designated as an Authorized Official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the Allendale Charter Township Municipal Ordinance Violations Bureau) as provided in the Municipal Civil Infractions Ordinance adopted by the Township.

Section 18. Administrative Liability.

No Water Utility officer, agent, or employee, or any officer, agent, or employee of the Township, shall render himself or herself personally liable for any damage that may accrue to any person, firm, association, corporation, partnership, joint venture, or combination of any of them as the result of any act, decision or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this Ordinance or the Program or both.

Section 19. Severability.

This Ordinance and the various parts, paragraphs, sections, subsections, sentences, phrases and clauses thereof, are hereby declared to be severable. If any part, paragraph, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 20. Repeal.

Ordinance No. 1981-3, as amended by 1995-2, is repealed.

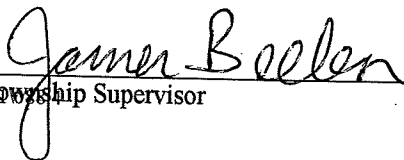
Section 21. Savings Clause.

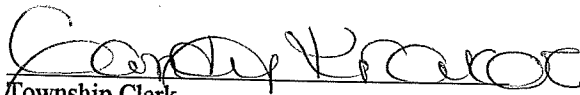
A prosecution which is pending on the effective date of this Ordinance and which arose from a violation of an ordinance ("existing ordinance") repealed by this Ordinance, or a prosecution which is started within 7 days after the effective date of this Ordinance arising from a violation of the existing ordinance and which was committed prior to the effective date of this Ordinance, shall be tried and determined exactly as if the existing ordinance had not been repealed.

Section 22. Effective Date.

Charter Township -

This Ordinance was approved and adopted by the Township Board of Allendale Charter Township, Ottawa County, Michigan, on Apr. 12, 2004, after introduction and a first reading on Mar. 22, 2004, and publication and posting after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective one day after publication of a Notice of Adoption and Posting in the April 21, 2004.


Township Supervisor


Township Clerk