

CITY OF MOUNT MORRIS  
GENESEE COUNTY, MICHIGAN  
ORDINANCE NO. 2023-01

AN ORDINANCE AMENDING THE CITY OF MOUNT MORRIS CODE OF ORDINANCES BY THE REPEAL OF ORDINANCE 66.59 AND THE ADDITION OF ORDINANCE 66.59a AND 66.59b IN ITS PLACE - AN ORDINANCE WHICH SHALL REGULATE CROSS CONNECTIONS AND PROVIDE FOR THE INSPECTION AND PENALTY FOR VIOLATION THEREOF

**THE CITY OF MOUNT MORRIS ORDAINS:**

**SECTION I**

ARTICLE II - WATER SUPPLY, DIVISION 3 - OPERATION, SECTION 66.59 of the Code of Ordinances of the City of Mount Morris is hereby RELPEALED and REPLACED with SECTION 66.59a, CROSS CONNECTION CONTROL PROGRAM, and 66.59b, POWERS AND AUTHORITY OF INSPECTORS; CROSS CONNECTION INSPECTIONS, and shall read as follows:

**SECTION 66.59a - CROSS CONNECTION CONTROL PROGRAM.**

(a) Introduction.

In accordance with the requirements set forth by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) (State of Michigan) the City of Mount Morris has officially adopted the State of Michigan cross connection control rules (i.e. Cross Connection Rules Manual, 4<sup>th</sup> ed.), to protect the City public water supply system. The cross-connection control program will take effect immediately upon approval of the EGLE (State of Michigan) and the Mt. Morris City Council.

(b) The following definitions shall apply:

- (1) "Backflow" means water of questionable quality, wastes or other contaminants entering a public water supply system due to a reversal of flow.

- (2) "Cross-connection" means a connection or arrangement of piping or appurtenances through which a backflow could occur.
- (3) "Safe air gap" means the minimum distance of a water inlet or opening above the maximum high water level or overflow rim in a fixture, device or container to which public water is furnished which shall be at least 2 times the inside diameter of the water inlet pipe; but shall not be less than 1 inch and need not be more than 12 inches.
- (4) "Secondary water supply" means a water supply system maintained in addition to a public water supply, including but not limited to water systems from ground or surface sources not meeting the requirements of Act No. 98 of the Public Acts 1913, as amended, being sections 325.201 to 325.214 of the Compiled Laws of 1948, or water from a public water supply which in any way has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility.
- (5) "Submerged inlet" means a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or another contaminant and which is unprotected against backflow.
- (6) "Water utility" means a governmental unit, municipal or Private Corporation, association, partnership or individual engaged in furnishing water to the public for household or drinking purposes.

(c) Local Ordinance

The authority to carry out and enforce a local cross connection control program will be in accordance with City Ordinance Section 66.59b.

(d) Local Inspection

The water superintendent and/or his designated agent shall be responsible for making the initial cross connection inspections and reinspection's to check for the presence of cross connections with the municipal water supply system. Individuals responsible for carrying out the cross connection inspections and reinspection's shall have obtained necessary training through any available manuals on cross connection prevention, including the Cross Connection Rules Manual as published by the EGLE (State of Michigan) and attendance of any cross connection training

sessions sponsored by the EGLE (State of Michigan) or other recognized agencies.

(e) Schedule for and frequency of inspections/reinspection's

(1) The schedule for and frequency of inspections and reinspection's shall be based upon potential health hazard involved as established by this ordinance and the Cross Connection Rules manual.

(2) All suspected high hazard establishments, including all industrial, commercial, and municipal buildings will be inspected first, typically within 12 months following the approval of this program. All other buildings and water system connections, including residential accounts, shall be inspected in a logical sequence as time permits.

(f) Protective Devices

The methods to protect against hazards of cross connections as outlined in the Cross-Connection Rules Manual will be incorporated into the City of Mt. Morris cross connection control program.

(g) Compliance Time

The time allowed for correction or elimination of any cross connection found shall be as follows:

(1) CROSS CONNECTIONS WHICH POSE AN IMMINENT AND EXTREME HAZARD shall be disconnected immediately and so maintained until necessary protective devices or modifications are made.

(2) Other cross connections which do not pose an extreme hazard to the water supply system should be corrected as soon as possible. The length of time allowed for correction should be reasonable and may vary depending on the type of device necessary for protection. The water utility shall indicate to each customer the time period allowed for compliance.

(h) Testing

(1) As a minimum, all testable devices, including RPZ's, double check valves, and vacuum breakers shall be tested at least every 3 years, or more frequently if

deemed necessary by the Water Superintendent. Backflow preventers installed on lawn irrigation systems with no chemical treatment may be tested once every 3 years if specified within this ordinance.

(2) Notwithstanding subsection (i)(1), above, testing shall occur after installation, relocation, and repair of any testable device.

(3) Only individuals that hold a valid ASSE 5110 tester's certification shall be qualified to perform such testing. Each tester shall also be approved by the City of Mt. Morris. Individual(s) shall certify the results of his/her testing. Additional and specific certification requirements may be required as per the Cross Connection Rules Manual.

(i) Records

The water utility shall maintain sufficient and accurate records of its local cross connection control program and report annually on the status of the program to the EGLE on a form provided by the department.

**SECTION 66.59b - POWERS AND AUTHORITY OF INSPECTORS; CROSS-CONNECTION INSPECTIONS**

(a) Introduction.

In accordance with the requirements set forth by the Michigan Department of Environmental, Great Lakes and Energy, the City adopts by reference the current version of, and future amendments to, the Water Supply Cross-Connections Rules of the Michigan Department of Environmental, Great Lakes and Energy (R 325.11401 et seq.) [MCLA 325.1014 et seq.]

(b) Local Ordinance.

The City of MT. Morris hereby adopts by reference the Water Supply Cross-Connection Rules of the Michigan Department of Environmental, Great Lakes and Energy, being M.A.C. R 325.11401 to R 325.11407.

(c) Inspections.

It shall be the duty of the City of Mount Morris to cause inspections to be made of all properties, within the City of Mount Morris (Water District) served by the City of Mount Morris public water supply system. The frequency of inspections and inspections, based on potential health hazards involved shall be as established by the City of Mount Morris and as approved by the Michigan Department of Environment, Great Lakes and Energy (and adopted by City Council).

(d) Right of Access, Information.

A representative of the City of Mount Morris, bearing proper credentials and identification shall have the right to enter at any reasonable time property served by a connection to the City of Mt. Morris public water system for the purpose of inspecting the piping system or systems thereof for cross-connections. On request, the owner, lessees, 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 connection.

(e) Discontinuing Water Service.

The City of Mount Morris is hereby authorized and directed to discontinue water service after reasonable notice to any property within city water district wherein any connection in violation of this subchapter exists and to take other measures necessary to eliminate the danger of contamination of the City of Mt. Morris public water supply system. Water service to the property shall not be restored until the cross-connections have been eliminated in compliance with the provisions of this subchapter.

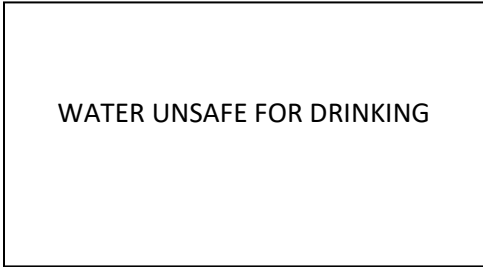
(f) Device Testing.

All testable backflow prevention assemblies shall be tested initially upon installation to be sure that the assembly is working properly. Testing shall also occur after relocation and/or repair. Subsequent testing of assemblies shall be at least every 3 years, or as required by the city and in accordance with Michigan Department of Environment, Great Lakes and Energy

requirements. Only individuals that hold an active ASSE 5110 tester's certification shall be qualified to perform such testing. That individual(s) shall certify the results of his/her testing.

(g) Protection of Potable Water.

That the potable water supply made available on the properties served by the public water supply be protected from possible contamination as specified by this ordinance and by the state and or 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:



(h) Construction of Ordinance.

This Ordinance does not supersede the State Plumbing Code, adopted by reference as the Plumbing Code for the City, or any other ordinances that the city has adopted, but is supplementary to them.

(i) Penalty.

(1) Any person or other entity that violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to civil fine determined in accordance with the following schedule:

1st Violation within 3-year period *	.....\$50.00
2nd Violation within 3-year period*	.....\$125.00
3rd Violation within 3-year period *	.....\$250.00
4th Violation within 3-year period *	.....\$400.00

\*DETERMINED ON THE BASIS OF THE DATE OF VIOLATION(S).

- (2) Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the City has incurred in connection with the violation. In no case, however, shall costs of less than \$100.00 or more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, judicial orders and the payment of the City legal expenses as authorized under Michigan law. Each day a violation of the Ordinance continues to exist constitutes a separate violation.

## **SECTION II**

If any section, sentence, clause, or phrase of the Ordinance is for any reason held to be invalid or unconstitutional by a decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

## **SECTION III**

All ordinances and portions thereof insofar as the same may be in conflict herewith are hereby repealed.

## **SECTION III**

All other provisions of this Article shall be and are hereby ratified.

## **SECTION IV**

This Ordinance, or a synopsis thereof, shall be published in a newspaper of general circulation within the City of Mt. Morris, Genesee County, Michigan, and shall become effective 30 days from publication.

## **SECTION V**

A copy of this Ordinance may be inspected at Mt. Morris City, City Hall, 11649 N. Saginaw St., Mt. Morris, Michigan, during regular business hours.

Moved by Council member Black, seconded by Council member Sorensen, and thereafter adopted as first reading by the City Council of the City of Mt. Morris at a regular meeting held Monday, January 23, 2023 at 7:00pm.

\_\_\_5\_\_\_ Yea                    \_\_\_0\_\_\_ Nay                    \_\_\_2\_\_\_ Absent  
(Templeton)  
(Heidenfeldt)

Thereafter moved by Council member Heidenfeldt, second by Council member Black, and thereafter adopted and enacted after second reading by the City Council of the City of Mt. Morris at a regular meeting held Monday, February 13, 2023 at 7:00pm.

\_\_\_6\_\_\_ Yea                    \_\_\_0\_\_\_ Nay                    \_\_\_1\_\_\_ Absent  
(Sorensen)

Published: February 22, 2023

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Sara Dubey, Mayor

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Spencer Lewis, City Clerk