

ORDINANCE NO. 20-1689

**AN ORDINANCE TO AMEND VARIOUS SECTIONS
OF THE WATER AND SEWERS CHAPTER 19
(CHAPTER), DIVISION 2, OF THE CODE OF
THE CITY OF DEARBORN,
ENTITLED “CROSS CONNECTIONS”**

THE CITY OF DEARBORN ORDAINS TO:

Amend Chapter 19 of the Code of the City of Dearborn by amending various sections of Division 2 – Cross Connections to read as follows:

DIVISION 2. CROSS CONNECTIONS

Sec.19-70. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authority shall mean the health officer, director or cross connection control ~~inspector~~ **official** or their respective agents.

Backflow shall mean water of questionable quality, wastes or other contaminants flowing into a public water supply due to a reversal of flow.

Cross connection shall mean a connection or arrangement of piping or appurtenances through which a backflow could occur.

Cross-connection control ~~inspector~~ official shall mean the legally designated person whose duty it is to perform periodic inspections of premises within the city of detection of cross connections.

Eminent hazards shall mean, in the judgment of the authority, there is a violation or a condition which may cause a violation of this division at a public water supply connection requiring immediate action to prevent endangering the health of the people.

Nuisance shall mean the maintenance of a condition or activity upon private property or publicly owned property which endangers the public health or safety and includes all conditions and activities which violate state and local health statutes and ordinances.

Owner shall mean any person who alone, jointly or severally with others:

- (1) Shall have legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof.
- (2) Shall have charge, care, possession or control of any premises, dwelling or dwelling unit as owner or agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner.

Any such person thus representing the actual owner shall be bound to comply with the provisions of this division and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Pipings shall mean water conveying water pipes, appurtenances, and related or connected devices, equipment or facilities.

Plans and specifications shall mean drawings, data and true description or representation of an entire waterworks system or parts thereof as it exists or is to be constructed, and a statement on how a waterworks system is to be operated.

Potable water shall mean water free from impurities present in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical qualities shall conform to the requirements of the Michigan Safe Drinking Water Act, being Act No. 399 of the Public Acts of Michigan of 1976 (MCL 325.1001 et seq., MSA 14.427(1) et seq.), as amended.

Premises shall mean a tract of land including any buildings or structures thereon.

Safe air gap shall mean the minimum distance of a water inlet or opening above the maximum highwater level or overflow rim in a fixture, device or container to which public water is furnished which shall be at least two times the inside diameter of the water inlet pipe; which shall not be less than one inch and need not be more than 12 inches.

Seal shall mean a device installed by the authority so as to prevent the use of piping, equipment facilities or appurtenances which would be a violation of this division.

Secondary water supply shall mean a water supply system maintained in addition to a public water supply system, including but not limited to water systems from ground or surface sources not meeting the requirement of the Michigan Safe Drinking Water Act, being Act No. 399 of the Public Acts of Michigan of 1976 (MCL 325.1001 et seq., MSA 14.427(1) et seq.), as amended, 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.

Submerged inlet shall mean a water pipe or extension thereto from a public water supply system terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant which is unprotected against backflow.

Water utility shall mean a governmental unit, municipal or private corporation, association, partnership or individual engaged in furnishing water to the public for household or drinking purposes.

(Ord. No. 81-12, §§ 6.1—6.19, 1-20-81)

Sec. 19-73. Conflicts of interest.

- (a) The cross connection control ~~inspector~~ **official** shall refrain from any transaction which may directly or indirectly result in the following:
- (1) The hiring for employment of the cross connection control operator by an owner, occupant or lessee of the premises subject to this division, for the purpose of making repairs or alterations, as required by the provisions of this division.
 - (2) The referral by the cross connection control ~~inspector~~ **official** of any person for employment by an owner, occupant or lessee of premises subject to this division for the purpose of making repairs or alterations, as required by the provisions of this division.
 - (3) The gaining of a financial interest by the cross connection control ~~inspector~~ **official** in any transaction involving an owner, occupant or lessee of premises subject to this division; such financial interest including, but not limited to, any known financial interest, direct or indirect, gained by the cross connection control ~~inspector~~ **official's** spouse, parent, grandparent, child, grandchild, brother or sister or spouse of any of them.
- (b) Violation of any of the provisions of this section shall render the business relationship between the cross connection control ~~inspector~~ **official** and the city voidable at the option of the mayor or city council.

(Ord. No. 81-12, & 21, 1-20-81)

Sec. 19-75. ~~Right of entry; presumption~~ **Entry onto premises**

The authority shall seek consent from the owners, lessees, or occupants in charge of the premises being served by a connection to the public water supply system of the City before entering the premises for the purpose of inspecting the piping system or systems thereof for cross connection. ~~The authority is hereby authorized to enter, during reasonable hours, premises served by a connection to the public water supply system of the city for the purpose of inspection the piping system or systems thereof for cross connection.~~ **Should entry be refused, the authority shall seek a court order authorizing such entry to the premises.** ~~Owners, lessees, or occupants in charge of premises within the city shall give free access to such premises, during reasonable hours, for the purpose of inspection. Should entry be refused, the authority may request that the corporation counsel obtain a court order authorizing such entry to the premises. Refusal of entry shall be deemed evidence of the presence of cross connections.~~

(Ord. No. 81-12, & 7.2, 1-20-81)

Sec. 19-84 Premises subject to division.

- (a) Any premises ~~not exempted in subsection (b) of this section,~~ which is provided water service by a public or private water supply system and which has or is proposed to have any of the following systems, is subject to this division:
- (1) A secondary water supply.
 - (2) A water treatment system.
 - (3) A boiler, water or steam.
 - (4) A commercial or industrial process or equipment which uses water including, but not limited to, plating tanks, water-cooled equipment, product washing equipment and air conditioning units.
 - (5) A sewage liquid waste or solid waste treatment or process system.
 - (6) A lawn irrigation system.
 - (7) A location which supplies potable water for mobile units for cleaning or transport.
 - (8) A temporary water service.
 - (9) A wet fire protection system.
 - (10) Any other possible source of backflow.
- ~~(b) The following are not subject to this division:~~
- ~~(1) Any premises which contains only structures not exceeding two stories in height and which utilizes only such plumbing fixtures as drinking fountains, lavatories, water closets and urinals, or appliances such as residential dishwashers or residential clothes washing machines.~~
 - ~~(2) A boiler at a residential structure serving less than six dwelling units which utilizes no chemical treatment.~~

(Ord. No. 81-12, & 11, 1-20-81)

Sec. 19-86. Periodic inspections.

- (a) The authority shall periodically inspect all premises and facilities subject to this division. The frequency of inspections and re-inspections shall be based on the potential health hazards and shall be established or modified by the authority. The interval for periodic re-inspections shall be established within the range of three months to five years.
- (b) Upon completion of a periodic inspection, the authority shall ~~issue either a renewed certificate of~~ **acknowledge compliance or issue** a notice of violation, in accordance with section 19-74.

(Ord. No. 81-12, && 12.4, 12.5, 1-20-81)

Sec. 19-87 New, expanded or altered piping systems.

- (a) The owner, lessee, or occupant of the premises at which new piping systems will be installed or existing piping systems will be expanded or altered shall submit the following to the director:
 - (1) A completely filled out application for review of plans and specifications, as provided by the director.
 - (2) Two complete sets of plans and specifications of the piping, devices, and of the equipment and buildings used in connection therewith.
 - (3) Any further information or documentation to satisfy the director that the piping and equipment shall be installed and operated within the limitations and prohibitions specified in this division. No work shall be initiated until necessary permits have been obtained from the department of **Property Maintenance & Development Services** ~~building and safety~~.
- (b) No new facility or expanded facility completed pursuant to a plumbing permit shall be occupied or the water system utilized until a certificate of compliance has been issued by the authority.
- (c) The owner, lessee or occupant or person responsible for the new, expanded or altered piping system, devices, equipment or facility shall notify the authority when the work is completed and ready for final inspection, which inspection shall be made promptly after such notification.
- (d) Upon completion of the inspection of new, expanded, or altered piping, the authority shall issue a certificate of compliance or a notice of violation in accordance with section 19-74.

(Ord. No. 81-12, & 13, 1-20-81)

Sec. 19-88. Certificate of compliance.

- (a) A certificate of compliance with this division shall be issued by the authority upon completion and approval of all inspections of new premises, upon completion and approval of a periodic inspection of existing premises, and upon approval of new expanded or altered piping in existing premises.
- (b) Tests of protective devices may be required by the authority before issuing a certificate of compliance.
- (c) Failure to operate successfully under tests within the limitations and requirements of this division shall constitute sufficient grounds for ordering changes in the piping arrangements, equipment, facilities or appurtenances before a certificate of compliance is issued.

- (d) Failure to file a testing form or proof of scheduled testing within the limitations and requirements of this division will result in a designation of the customer account as out of compliance with this code. A ~~\$25.00~~ **\$100.00** non-compliance fee, per device, will be assessed on the customer's water bill each billing cycle until the account is in compliance with this code. **If a passing test form is submitted within the first billing cycle after the fee is assessed, the \$100.00 fee will be removed.**

(Ord. No. 81-12, & 14, 1-20-81; Ord. No. 08-1170, 6-16-08)

Sec. 19-94. Minimum ~~residential~~ **residual** water pressure.

Under conditions of flow attained through simultaneous use of fixtures, there shall be a ~~residential~~ **residual** pressure of not less than eight pounds per square inch measured on the pressure side of the wide open faucet or valve supplying the highest fixture in the building, except that flushometer valves shall require a minimum pressure of 15 pounds per square inch on the supply side of the valve when in operation.

(Ord. No. 81-12, & 15.16, 1-20-81)

Sec. 19-98. Same--Location.

The backflow prevention device shall be located in a well-drained room or space of sufficient size to permit a person to have convenient access for inspection, testing and repair purposes. Installation of the device below grade or in a meter pit is not acceptable. ~~unless specifically authorized in writing by the authority.~~

(Ord. No. 81-12, & 16.2, 1-20-81)

Sec. 19-106. Lawn sprinkler systems.

- (a) Lawn sprinkler systems shall be equipped with a **pressure** vacuum breaker **or RPZ** on the ~~discharge side of each of the last valves~~ **inlet side of all control valves.**
- (b) If a lawn sprinkling system is installed so different areas sprinkled are each controlled by a valve on the discharge side of the main control valve on the main distribution branch to the entire lawn sprinkling system, the system shall be protected by one of the following methods:
- (1) An acceptable **pressure** vacuum breaker may be installed on the ~~discharge~~ **inlet** side of ~~each area~~ **the main** control valve.
 - ~~(2) Where the supply of water to the various zones is controlled by an acceptable automatic multiport zone control valve, at least one port of which is always open, an acceptable vacuum breaker may be installed downstream from the main control valve and upstream from the multiport valve.~~
 - (3) A reduced pressure principle backflow preventer may be installed on the main distribution branch to the sprinkler system in close proximity to the main control valve.
 - (4) An acceptable pressure type vacuum breaker may be installed between the main control valve and the zone control valves.

- (5) If it is proposed to protect the water supply to a zone sprinkling system, ~~by a method other than one of those set forth in subsections (b)(1) through (b)(4) above, complete mechanical and topographical plans of the proposed installation shall be submitted to the authority before the work is begun, for examination to determine the acceptability of the installation from the standpoint of protection of the water supply and from the standpoint of potential nuisance~~ **the installation method must comply with Michigan Plumbing Code section 608.16.5.**

(Ord. No. 81-12, && 16.11, 16.12, 1-20-81)

Sec. 19-108. Automatic fire sprinkler systems.

- (a) Where necessary to provide an automatic fire sprinkler system using antifreeze solutions to serve an unheated area, only antifreeze approved by the authority may be used. Such systems shall have not more than 20 heads and shall have at all times prominently posted, within two feet of the fill location, a warning sign at least eight inches by ten inches in size, having letters of one inch in height, bearing the following statement: "USE ONLY MATERIALS AUTHORIZED BY THE CITY OF DEARBORN."
- (b) Signs are to be furnished and maintained by the owner and must be of materials and design acceptable to the director.
- (c) In the supply line to each antifreeze system, there shall be ~~a U-loop provided~~ **an RPZ installed** in the supply piping. ~~The downleg (supply side) of the U-loop shall drop at least 1.25 times the amount of rise of the up leg of the U. The minimum length of the downleg shall be four feet.~~
- (d) ~~Where a system using an antifreeze solution approved by the authority is connected to the potable water system, a double check valve assembly incorporating outside screw and yoke valve shall be provided in the branch serving the antifreeze system and above the highest point in the line containing antifreeze solution.~~
- (e) ~~Where a system using an antifreeze solution approved by the authority is connected to a separate fire protection system, a single check valve and outside screw and yoke valve in the supply branch of the antifreeze system shall suffice.~~
- (f) When requested in writing by an owner, occupant or lessee, the authority may permit use of antifreeze solutions not approved by the authority, provided a reduced pressure principle backflow preventor is installed at the connection to the potable water system.

(Ord. No. 81-12, && 16.17--16.22, 1-20-81)

Sec. 19-109. Testing and sampling.

(a) The authority is hereby authorized to conduct, cause to be conducted, or to require an owner, occupant or lessee to have conducted any test or tests of any new or existing piping arrangement, devices, equipment, facility or appurtenances, the retention of which the authority has reason to believe may result in contamination of potable water, or when the authority has reason to believe that there is evidence that cross connections do not meet the limitations prescribed in this division, or at a prescribed frequency to insure proper functioning of protective devices. ~~Tests shall be conducted by persons certified by an organization approved by the director.~~ A full written record of test conditions, test methods and of test results obtained shall be maintained by the persons conducting such tests.

(b) Effective January 1, 2018, backflow assembly testing must be performed by a licensed plumber certified in accordance to ASSE Standard 5110.

(c) It shall be the responsibility of the owner, occupant or lessee of the operation tested to provide, at his expense, reasonable and necessary openings in the piping system, appurtenances, equipment or facilities and safe and easy access thereto, to permit technically valid measurements and samples to be taken. All new piping equipment or facilities which provide potential for cross connection may be required by the authority to provide adequate openings in the piping system, appurtenances, equipment or facilities, and safe and easy access thereto to permit technically valid measurements and samples to be taken.

(d) The authority is hereby authorized to sample, or cause to be sampled, water or other fluid flowing in, or having potential for flowing in, any piping system subject to this division.

(Ord. No. 81-12, & 17, 1-20-81)

Sec. 19-111. Annual report.

The city shall make an annual report of the status of its cross connections control program to the Michigan Department of ~~public health~~ **Environment, Great Lakes and Energy (EGLE)**. The annual report shall be made on a form provided by the Department of ~~public health~~ **Environment, Great Lakes and Energy (EGLE)**.

(Ord. No. 81-12, & 19, 1-20-81)

Sec. 19-112 RESIDENTIAL CROSS CONNECTION CONTROL

- (a) Under the Michigan Safe Drinking Water Act, the Department of Environment, Great Lakes and Energy (EGLE) institutes rules to protect drinking water and to prevent cross connections that may contaminate public drinking water systems. All communities are required to enforce mandatory backflow assembly testing for ALL assemblies, which now includes the addition of residential properties to our current commercial and industrial facilities..**
- (b) The city will be divided into five districts geographically, correlating with water billing zones, and each residence shall have an initial exterior inspections. The district boundaries may be evaluated and modified after all residences receive an initial inspection. The cross connection officials, field agents and meter service techs shall perform periodic inspections.**
- (c) All testable backflow assemblies must be tested every one to five years by a licensed plumber that is ASSE certified in backflow testing. If any assemblies fail testing, they must be repaired or replaced by a licensed plumber, and re-tested within thirty (30) days. All new installations, relocations, and replacements shall require a plumbing permit. Refer to sections 6.4-6.9 of the Cross Connection Control Program for a list of approved testers and the testing notification and compliance procedure. When a copy of the assembly testing/compliance notification is requested for a C of O, or sale of a property, this does not change the testing cycle frequency or due date.**

Secs. 19-113 112--19-120. Reserved.