

**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

Councilmember LaPonsie, supported by Councilmember Ellison, moved the adoption of the following ordinance:

**ORDINANCE NO. 09- 04**

**AN ORDINANCE TO AMEND SECTION 25-17, “DEFINITIONS,” OF, AND ADD SECTIONS 25-31 THROUGH 25-37 TO, ARTICLE II, “WATER SERVICE,” OF CHAPTER 25, “WATER AND SEWAGE DISPOSAL SERVICE,” OF THE CODE OF ORDINANCES OF THE CITY OF LOWELL**

**THE CITY OF LOWELL ORDAINS:**

**Section 1. Amendment to Section 25-17, Article II, Chapter 25.** Section 25-17, “Definitions,” of Article II, “Water Service,” of Chapter 25, “Water and Sewage Disposal Service,” of the Code of Ordinances of the City of Lowell is amended by adding the following definitions:

*Cross connection* means a connection or arrangement of piping or appurtenances through which a backflow could occur.

*MDEQ* means the Michigan Department of Environmental Quality or any successor thereof.

*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 98 of the Public Acts of Michigan of 1913, as amended, or water from a public water supply which has been exposed to any possible contaminant or stored in other than an approved storage facility.

*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 other contaminants and which is unprotected against backflow.

**Section 2. Addition of Sections 25-31 through 25-37, Article II, Chapter 25.** The following Sections 25-31 through 25-37 are added to Article II, “Water Service,” of Chapter 25, “Water and Sewage Disposal Service,” of the Code of Ordinances of the City of Lowell:

**Sec. 25-31. Cross-connection control.**

The city adopts by reference the water supply cross connection rules of the MDEQ as set forth in Sections 325.11401 through 325.11407 of the 1979 Michigan Administrative Code, as may be amended or replaced from time to time and pursuant thereto the city shall eliminate and prevent all cross connections pursuant to a cross-connection control plan which the city has established and which has been approved by the MDEQ.

**Sec. 25-32. Cross connections prohibited.**

- (a) A cross connection shall not be made between the water system and a secondary water supply.
- (b) A cross connection shall not be made by submerged inlet.
- (c) A cross connection shall not be made between the water system and piping which may contain sanitary waste or a contaminant.
- (d) A cross connection shall not be made between the water system and piping immersed in a tank or vessel which may contain a contaminant.

**Sec. 25-33. Inspections.**

The city manager is hereby reserved the right to cause inspections to be made of all properties in the city served by the water system where cross connections are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as provided in the city’s cross-connection control plan and as approved by the MDEQ.

**Sec. 25-34. Right of entry.**

Representatives of the city authorized by the city manager shall have the right to enter at any reasonable time any property served by a connection to the water system for the purpose of inspecting the piping system or systems thereof for cross connections. Upon request, the owner, lessees or occupants of any property so served shall furnish such representatives all pertinent information regarding the piping system or systems of such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of a cross connection.

**Sec. 25-35. Discontinuance of water service.**

The city manager is authorized and directed to discontinue or cause the discontinuance of water service after reasonable notice to any property that has a cross connection in violation of this article and to take such other measures he/she deems necessary to eliminate any danger of contamination to the water system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with this article.

**Sec. 25-36. Testing backflow prevention assemblies.**

Backflow prevention assemblies shall be tested upon installation to determine that they are working properly. Subsequent testing of backflow prevention assemblies shall be on an annual basis as required by the city in accordance with MDEQ requirements. Only a person approved and certified by the State of Michigan shall be qualified to perform such testing and said person shall certify the results of such testing.

**Sec. 25-37. Protection of water supply.**

The potable water supply made available on the properties served by the water system shall be protected from possible contamination as specified in this article and by the State of Michigan and city plumbing codes. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner as water unsafe for drinking.

**Section 2. Publication.** After its adoption, the City Clerk shall publish this ordinance, or a summary thereof, as permitted by law, along with the date of its adoption in the *Lowell Ledger*, a newspaper of general circulation in the City at least ten (10) days before its effective date.

**Section 3. Effective Date.** This ordinance shall take effect ten (10) days after it or a summary thereof, as permitted by law, along with the date of its adoption is published as provided in Section 3 above.

YEAS: Councilmembers Altoft, Ellison, LaPonsie, Pfaller and Mayor Hodges.

NAYS: Councilmembers none.

ABSTAIN: Councilmembers none.

ABSENT: Councilmembers none.

**ORDINANCE DECLARED ADOPTED.**

Dated: October 5, 2009

\_\_\_\_\_  
Betty R. Morlock  
City Clerk

**CERTIFICATION**

I, the undersigned City Clerk of the City of Lowell, Michigan, certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held October 5, 2009, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents, was published in the *Lowell Ledger* on January 27, 2010. I further certify that the above ordinance was entered into the Ordinance Book of the City on October 5, 2009, and was effective February 6, 2010, ten (10) days after publication.

Dated: October 5, 2009

\_\_\_\_\_  
Betty R. Morlock  
City Clerk