

AN ORDINANCE

of the Council of the City of Berkley, Michigan
Amending Chapter 126, Article II,
Section 126-22, Cross Connections
of the Berkley City Code to Modify Inspection and Testing Requirements
Concerning Water Supply Cross Connections
and to Prescribe a Penalty for Violations.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Chapter 126, Article II, Section 126-22, of the Berkley City Code shall be amended, as follows:

Sec. 126-22. – Cross connections.

- (a) The city council hereby adopts by reference the Water Supply Cross Connection Rules of the state department of public health, being R 325.11401 to R 325.11407 of the Michigan Administrative Code.
- (b) It shall be the duty of the 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 shall be based on the potential health hazards involved, as determined by the city.
- (c) The representative of the department of public works shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the city for the purpose of inspecting the piping system 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 systems on such property. The refusal of such information or refusal of access, when requested, shall create a rebuttable presumption of the presence of cross connections.
- (d) The city manager or his/her designated representative is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this section 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 has been eliminated in compliance with the provisions of this section.
- (e) 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 section 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

- (f) That all testable backflow prevention assemblies shall be tested initially upon installation to make sure the assembly is working properly. Subsequent testing of assemblies shall be on an annual basis or such other times as required by the City and in accordance with Michigan Department of Environmental Quality rules and requirements. Only individuals who are approved by the City and hold an active ASSE 5110 certification shall be qualified to perform such testing. The tester shall certify the test results.

SECTION 2: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3: Penalty

All violations of this ordinance shall be misdemeanors and upon conviction thereof shall be punishable by a sentence of not more than ninety (90) days of confinement to jail or by a fine of not more than \$500, or both, in the court's discretion.

SECTION 4: Effective Date

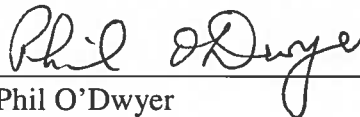
This Ordinance shall become effective 30 days following the date of adoption.

SECTION 5: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

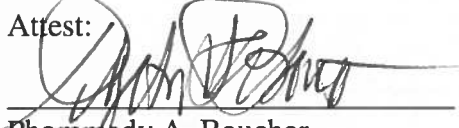
Introduced on the First Reading at the Regular City Council Meeting on Monday, August 15, 2016.

Approved on the Second Reading at the Regular City Council Meeting on Monday, September 19, 2016.



Phil O'Dwyer
Mayor

Attest:



Phommady A. Boucher
City Clerk