



Legislation Details (With Text)

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Title: An Ordinance to Amend Section 2:22a of Chapter 27 (Water) and Section 2:42.2 of Chapter 28 (Sanitary Sewer) of Title II of the Code of the City of Ann Arbor (Connection Requirements) (Ordinance No. ORD-18-32)

Sponsors:

Indexes:

Code sections: Chapter 27, Sec. 2.22a - Water connections, Chapter 28, Sec. 2:42.2 - Sanitary Sewer connections

Attachments: 1. 18-32 Ordinance Briefed and Approved as Amended 12-3-18.pdf, 2. 18-32 Ordinance Briefed.pdf, 3. ordinance amend--water sewer connections, 4. City petition boundary adjustment, 5. 18-32 Ordinance Approval Notice.pdf

Date	Ver.	Action By	Action	Result
12/3/2018	1	City Council	Held and Closed	
12/3/2018	1	City Council		
12/3/2018	1	City Council	Amended	Pass
12/3/2018	1	City Council	Adopted as Amended on Second Reading	Pass
11/19/2018	1	City Council	Approved on First Reading	Pass

An Ordinance to Amend Section 2:22a of Chapter 27 (Water) and Section 2:42.2 of Chapter 28 (Sanitary Sewer) of Title II of the Code of the City of Ann Arbor (Connection Requirements) (Ordinance No. ORD-18-32)

The proposed ordinance amends the timing of connection requirements in Section 2:22a of Chapter 27 (water) and Section 2:42.2 of Chapter 28 (sanitary sewer) for two categories of properties. Both sections currently require connection within 90 days after notice from the City.

For a property that is annexed into the City (1) by petition of the City of Ann Arbor to the Michigan Boundary Commission, or (2) by mutual resolutions of the City and an adjacent township that adjust the City-Township boundary, the proposed amendment requires the City to wait until 18 months have elapsed after the date the annexation of the property is final before sending the 90-day notice to connect. The 18-month delay applies only if the water or sanitary sewer line is in place on the date the annexation of the property is final.

The 18-month delay before sending the 90-day notice is similar to the Michigan Public Health Code requirement that properties connect to a public sanitary sewer system within 18 months after a line is built, and requiring the government entity that owns and operates the sewer system to send a 90-day notice to connect if the property has not connected. For consistency, City Code applies the same requirements to both water and sanitary sewer. The proposed ordinance makes the same amendments to both provisions.

Other changes are for formatting and organization, and are not substantive.

Prepared by: Abigail Elias, Chief Assistant City Attorney

Reviewed by: Craig Hupy, Public Services Area Administrator

Derek Delacourt, Community Services Area Administrator

Approved by: Howard S. Lazarus, City Administrator

ORDINANCE NO. ORD-18-32

First Reading: November 19, 2018

Approved: December 3, 2018

Public Hearing: December 3, 2018

Published: December 6, 2018

Effective: December 16, 2018

CONNECTIONS TO CITY WATER AND SANITARY SEWER

AN ORDINANCE TO AMEND SECTION 2:22a OF CHAPTER 27 (Water) AND SECTION 2:42.2 OF CHAPTER 28 (Sanitary Sewer) OF TITLE II OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That Section 2:22a of Chapter 27 of Title II of the Code of the City of Ann Arbor be amended to read as follows:

2:22a. - Connection and maintenance requirements and responsibilities; cost obligations.

- (1) Except as provided in subsection (2), The owner of any house, building or property that is used for human occupancy, employment, recreation, or other purposes, and abutting on any street, alley or right-of-way in which a public water main is available, is required at the owner's expense, to install and maintain suitable potable water facilities therein (as required by Michigan building code(s)) and, except as provided below, to connect the facilities directly to a City of Ann Arbor owned water main in accordance with the provisions of this chapter, provided that the public water main is within 200 feet of the property line, or if required by the Washtenaw County Health Department. Such connection must be completed within 90 days after the date of official notice to do so by the city. The city will determine which main will serve which properties and structures, and will determine the point of connection to the water main for each property.
- (2) If a property becomes subject to the requirements of subsection (1) because it is annexed into the city by petition of the city to the State Boundary Commission or its successor, or is annexed as the result of mutual resolutions of the City of Ann Arbor and a neighboring township that adjust the city-township boundary, and if the public water main is available and within 200 feet (61 meters) of the property line on the date the annexation of the property is final, the official notice from the city to connect within 90 days provided for in subsection (1) will not be sent to the owner of the property before ~~eighteen months~~ ten years have elapsed after the date the annexation of the property is final, or until the property is sold, whichever comes first. Starting eighteen months after the date the annexation of the property is final and ending when the property connects, the property owner will pay the property's allocated share of carrying costs related to the deferred collection of capital recovery charges. All the other provisions of subsection (1) still apply.
- (3) An owner of any house, building or property that is used for human occupancy, employment, recreation, or other purposes, and abutting on any street, alley, easement or right-of-way, may connect the facilities indirectly to a City of Ann Arbor owned water main if a joint use agreement or other similar agreement exists between the City of Ann Arbor, and another municipal entity that allows City of Ann Arbor residents to connect to the water main covered by the agreement.
- (4) Water service stubs 2 inches and smaller shall be installed within the right-of-way or easement by the public services area upon payment of the required installation costs, and upon payment of all required inspection permit fees.
- (5) Water service stubs 4 inches and larger shall be installed by the owner's contractor under inspection by the public services area upon public services area approval of construction plans for the installation and payment of the

required plan review and inspection fees.

- (6) All fire service lines must have a backflow preventor and a by-pass with a detector check meter installed on the by-pass to detect water flow. Fire service lines shall be used solely to provide fire protection.
- (7) The responsibility and cost of installation and maintenance of a water service line or fire service line from the curb stop to a building or other premises is the sole obligation of the owner of the property being served. The city has no ownership of or responsibility for the maintenance of the water service line or the fire service line from the curb stop to a building or other premises. The water service line or fire service line shall be maintained in good condition, free of leaks and able to withstand normal water system operations, such as but not limited to turning water on and off whether at the main or curb stop, or replacement of water meter and metering appurtenances. Regardless of why or how a failure of the water service line or fire service line occurs, the property owner is responsible for its repair and maintenance. Failure to maintain piping within a premise may result in discontinuance of water service, or may result in a surcharge as provided in section 2:38.
- (8) Water meters shall be installed by and remain the property of the city. Water meters shall be one standard size smaller than the water service lines metered or shall be sized according to the rules and regulations of the public services area to serve the premises adequately. Premises newly connected to the city water supply system shall pay an appropriate meter charge based on meter size. Meter charges shall be fixed by the public services area in accordance with regulations approved by the City Council and shall be not less than the cost of materials, equipment, labor and overhead attributable to such installation. Existing meters improperly sized according to the above regulations shall be replaced by the public services area and the appropriate meter charge shall be levied. Existing fire service lines that do not have a detector check meter installed shall have a detector check meter installed by the city and shall remain the property of the city.
- (9) If a water meter requires electrical power for operation, the property owners shall supply electrical power as required by the rules and regulations of the public services area.

Section 2. That Section 2:42.2 of Chapter 28 of Title II of the Code of the City of Ann Arbor be amended to read as follows:

2:42.2. - Waste and wastewater disposal.

- (1) *Waste deposits and water pollution.* It shall be unlawful for any person to place, deposit, or permit to be deposited in any manner that creates a hazard or threat to human health or the environment upon public or private property within the city, or in any area under the jurisdiction of the city, any wastes, wastewater, garbage or material prohibited by this chapter for discharge to the POTW.
- (2) *Discharges to natural outlets.* No person shall discharge without either an NPDES permit or an exemption from NPDES requirements under applicable law to any natural outlet within the city, or in any area under its jurisdiction, either directly or through a city storm sewer.
- (3) *Wastewater disposal.* Except as provided in this ordinance, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- (4) *Private system required.* All houses, buildings, or properties which are required by this chapter or by other authority to have sanitary or industrial wastewater facilities and are located where the POTW is not available or required as specified by the provisions of subsection (7) of this section, shall be equipped at the owner's expense, with suitable wastewater facilities connected to a private wastewater disposal system which complies with the provisions of this section, and all applicable requirements of the State of Michigan Department of Public Health or its successor and the Code. This section shall not apply to any private system which discharges to the POTW or which discharges directly to a natural outlet by authority of a separate NPDES permit and in compliance with applicable state and federal laws.
- (5) *Sanitary operation required.* The owner shall operate and maintain private wastewater disposal facilities in a sanitary manner at all times in accordance with applicable laws and regulations and at no expense to the city. The facilities shall be subject to inspection by the city at reasonable times.

(6) *Further requirements.* No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by health officials or other applicable authorities.

(7) *Connection to sewer required.*

- A. Except as provided in subsections C and D, the owner of any house, building, or property which is used for human occupancy, employment, recreation, or other purposes, and abutting on any street, alley, or right-of-way in which the POTW is available, is required, at the owner's expense, to install and maintain suitable wastewater disposal facilities therein (as required by Chapter 100 of the Code) and to connect the facilities directly to the POTW (except under conditions described in section 2:42.2(7)(B)) in accordance with the provisions of this chapter within 90 days after date of official notice to do so, provided that the POTW is within 200 feet (61 meters) of the property line, or if required by the Washtenaw County Health Department or its successor. All wastewater from these houses, buildings, or properties shall be discharged to the POTW. Any septic tanks, cesspools, or similar wastewater disposal facilities shall, upon connection to the POTW either be emptied of wastes and refilled with suitable material to prevent collapse or removed.
- B. An owner of any house, building, or property in the city which is used for human occupancy, employment, recreation, or other purposes, and abutting on any street, alley, or right-of-way may indirectly connect to the POTW provided either of the following conditions have been met:
 - i. A joint use agreement exists between the City of Ann Arbor and the sewer owner that allows City of Ann Arbor residents to transport discharge to the POTW for treatment and/or disposal.
 - ii. The owner of the house, building, or property has irrevocable permission, running with the property to be served, that allows the owner to transport discharge to the POTW for treatment and/or disposal and the City of Ann Arbor has an agreement with the sewer owner to comply with all the provisions of Chapter 28 of the City of Ann Arbor City Code and all tap fees and improvement or capital recovery charges have been paid.
- C. Subsection A shall not apply to any persons served by a privately constructed, owned, operated, and maintained wastewater sewer and wastewater treatment facility that discharges directly to a natural outlet in accordance with the provisions of this chapter and applicable state and federal laws.
- D. If a property becomes subject to the requirements of subsection A because it is annexed into the city by petition of the city to the State Boundary Commission or its successor, or because it is annexed as the result of mutual resolutions of the City of Ann Arbor and a neighboring township that adjust the city-township boundary, and if the POTW is available and within 200 feet (61 meters) of the property line on the date the annexation of the property is final, the official notice from the city to connect within 90 days provided for in subsection A will not be sent to the owner of the property before eighteen months have elapsed after the date the annexation of the property is final. All the other provisions of subsection A still apply.

(8) *Disconnection from sewer.* Whenever a building is abandoned or demolished, the building's sewer(s) shall be disconnected from the public sewer at the owner's expense, in a manner approved by the city, to adequately protect the POTW. If the owner fails to comply the Administrator may order the disconnection. If the owner fails to comply with the order, the Administrator may have the work performed and the costs assessed to the property under City Code section 1:292.

Section 3. That this ordinance shall take effect on the tenth day following legal publication.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan at its regular session of December 3, 2018.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's Webpage on December 6, 2018.

Jacqueline Beaudry, Ann Arbor City Clerk