

ORDINANCE NO. ORD-21-36

First Reading: December 6, 2021
Public Hearing: December 20, 2021

Approved: December 20, 2021
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Effective: January 6, 2022

CHAPTER 27
(WATER SERVICE)

AN ORDINANCE TO AMEND SECTIONS 2:25, 2:26, AND 2:38 OF CHAPTER 27 (WATER SERVICE) OF TITLE II OF THE CODE OF ORDINANCES OF THE CITY OF ANN ARBOR

The City of Ann Arbor Ordains:

Section 1. That Section 2:25 (Water Meters) of Chapter 27 (Water Service) of Title II of the Code of Ordinances of the City of Ann Arbor be amended as follows:

2:25. - Water meters.

All premises using water shall be metered and when technically practical. ~~When technically practical and at the sole discretion of the administrator of the public services area,~~ all water meters shall be equipped with automatic remote reading devices. The administrator of the public services area may establish rules and regulations governing requests, eligibility, and requirements for opt-outs from the automatic remote reading device requirement and shall have the sole discretion to make decisions on opt-out requests, eligibility, and requirements. No person except a public services area employee shall break or injure the seal or change the location of, alter or interfere in any way with any water meter. Except for opt-outs requests approved determined by the administrator of the public services area, ~~F~~failure to allow installation or replacement of a water meters equipped with automatic remote reading devices is a violation of this Chapter and may result in discontinuance of water service as provided in section 2:26.

Section 2. That Section 2:26 (Access to Meters) of Chapter 27 (Water Service) of Title II of the Code of Ordinances of the City of Ann Arbor be amended as follows:

2:26. - Access to meters.

~~The public services area shall have the right to shut off the supply of water to any premises where the public services area is not able to obtain access to the meter for repair or replacement.~~ Any qualified employee of the public services area shall at all reasonable hours, have the right to enter the premises that are served by the city water supply system with owner or occupant approval or after obtaining an administrative search warrant from a court of competent jurisdiction for the purpose of installing, reading, testing, maintaining, removing, replacing or inspecting meter(s). ~~and nNo~~

person shall hinder, obstruct, or interfere with such employee in the lawful discharge of his or her duties in relation to the care and maintenance of such water meter.

When a premise is not equipped with a device that allows automatic or remote reading of a meter, a direct reading shall be obtained by public services area staff at a minimum of once annually.

~~The public services area shall have the right to assess a surcharge as provided in section 2:38 and to discontinue shut-off the supply of water to any premises, pursuant to prior notice, where the public services area is not able to install, repair or replace a meter -or obtain an annual direct reading in accordance with this section. Failure to allow access to the meter for repair or replacement, or failure to allow an annual direct reading may result in discontinuance of water service, or may result in a surcharge as provided in section 2:38.~~

Section 3. That Section 2:38 (Surcharges and Charges for Water Flow Resulting from Violations) of Chapter 27 (Water Service) of Title II of the Code of Ordinances of the City of Ann Arbor are amended as follows:

Section 2:38. Surcharges and charges for water flow resulting from violations.

(1) In addition to prosecution and the imposition of penalties for violations, a person who violates a regulation or order issued under section 2:31(2) is subject to a surcharge to be determined and assessed by the administrator not to exceed \$100.00 per day per violation. Each day a violation occurs is a separate violation. The administrator, in determining the amount of the surcharge, shall consider the frequency of violations by the user, the impact of the violation on the water treatment system and human health and public safety and welfare, the magnitude of the violation, and other factors believed appropriate by the administrator.

(2) In addition to prosecution and the imposition of penalties for violations, if the violation results in unauthorized flow detected by a detector check meter or evidenced by a tampered bypass valve and/or plumbing, the charge for such unauthorized water flow shall be calculated on the basis of full flow through the bypass and the bypassed plumbing at the provided service pressure for the full duration of time estimated by the public services area that the bypass violation condition existed. The duration of the violation may be calculated to include all time during the billing period when the flow detection was determined to have occurred or all time since the last physical inspection of the metering system up to a maximum of 3 years.

(3) In addition to prosecution and the imposition of penalties for violations and/or discontinuance of water service, the failure to maintain piping within a premise as required by section 2:22a is subject to a surcharge to be determined and assessed by the administrator, not to exceed \$50.00 for every month during which the violation occurs.

(4) In addition to prosecution and the imposition of penalties for violations and/or discontinuance of water service, the failure to allow installation, access to a meter for repair, or replacement of a meter or an annual direct reading as required by in accordance with section 2:26 ~~or the failure to allow an annual direct reading as required by section 2:26~~ is subject to a surcharge to be determined and assessed by the administrator, not to exceed \$50.00 for every month during which the violation occurs.

Section 4. Severability. In the event any court of competent jurisdiction shall hold any provision of this ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Section 5. Savings Clause. The amendment of the City of Ann Arbor Code of Ordinances set forth in this ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the City of Ann Arbor Code of Ordinances set forth in this ordinance.

Section 6. Repealer. All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 7. Effective Date. This ordinance shall take effect and be in force on and after ten days from publication thereof as provided for in the Charter of the City of Ann Arbor.

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 20, 2021.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor of the City of Ann Arbor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's webpage on December 27, 2021.

Jacqueline Beaudry, Ann Arbor City Clerk