

The City fo Wyandotte Ordinance has been amendes as follows:

FINAL Reading
1337

AN ORDINANCE ENTITLED

AN ORDINANCE TO ADD CHAPTER 9.1 GEOTHERMAL
TO THE CITY OF WYANDOTTE
CODE OF ORDINANCES

CITY OF WYANDOTTE ORDAINS:

Section 1.

That the City Code of Ordinances be hereby amended by adding Section 9.1 for the installation of geothermal systems.

ARTICLE I. GENERAL

Sec. 9.1-1. Short title.

This chapter shall be known as the Wyandotte Geothermal Ordinance.

Sec. 9.1-2. Definitions.

For the purpose of this chapter, the following terms shall have the meaning given herein:

Administration fees and charges shall mean reasonable reimbursement to the city for all services rendered by the various city departments and employees to the geothermal system and all reasonable direct and indirect costs and expenses the city may incur as a result of the installation, operation, maintenance, administration, and/or use of the geothermal system, including, but not limited to, costs of police and fire protection, use of streets, payment in lieu of taxes.

City is the City of Wyandotte.

Geothermal system shall mean all the pipes, valves, headers, and other equipment and material, required for the purpose of constructing a vertical heat exchanger (VHE), or ground source heat pump loop system, installed in the city right-of-way for the purpose of providing a renewable source of energy for heating and cooling systems in residential, commercial and industrial buildings.

Private geothermal system shall mean all the pipes, valves, headers, and other equipment and material, required for the purpose of constructing a vertical heat exchanger (VHE), or ground source heat pump loop system, installed on private property for the purpose of providing a renewable source of energy for heating and cooling systems in residential, commercial and industrial buildings.

Installation charge shall mean the amount to be charged to a customer for the installation of and connection to the geothermal system.

Department shall mean the department of municipal service of the City of Wyandotte.

Operator of such system shall mean the department of municipal service of the City of Wyandotte, or the Geothermal Utility designated by the department of municipal service.

Person shall mean any individual, person, firm, partnership, association, corporation, company, or organization of any kind.

Sec. 9.1-3. System to be controlled by the department of municipal service.

The department of municipal service, or its designated Geothermal Utility, is charged and entrusted with the construction, management, supervision and control of the geothermal system constructed in the city right-of-way to be owned by the city. The municipal service commission shall make and enforce all necessary specifications, rules and regulations for the construction and operation of the geothermal system, including the setting of guidelines and requirements to authorize a person to install a geothermal system.

Sec. 9.1-4. Rates and charges; fixing and collecting.

The municipal service commission shall, from time to time, fix and cause to be assessed the reasonable monthly rates and such installation charge as may be fixed, to be paid by the customer to the geothermal system. The commission may make, subject to the approval of council, and enforce all necessary rules and regulations for the collection of the monthly geothermal rates. The rates shall be promptly collected by and paid to the commission and all moneys so received shall be turned over when and as collected, to the city treasurer on daily balances and the city treasurer shall give duplicate receipts therefore, one of which shall be filed with the city clerk.

Sec. 9.1-5. Disposition of funds.

The money paid into the city treasury by the municipal service commission shall be deposited in a separate account and applied on the payment of administrative fees and charges, and costs and expenses incurred by the geothermal system. The customer rates and installation charges determined by the commission shall be sufficient to pay the operating, administrative and maintenance costs, charges and expenses of the geothermal system.

Sec. 9.1-6. Accounts and reports.

The commission shall make quarterly reports to the council which reports shall embrace an itemized statement of all the revenues and expenditures relating to or connected with the geothermal system and an accurate list of all customer rates. This statement shall be certified by the commission, entered into record by the city clerk and published in such a manner as the council may direct. The commission shall also make such other reports as the council may, from time to time, require. The council shall cause all the accounts and records of the commission to be audited at least once a year and at such other times as it shall see fit.

Sec. 9.1-7. Civil liability.

This chapter shall not be construed to relieve from or lessen the responsibility of any party owning, operating, controlling or installing any geothermal system in the city right-of-way for damages to persons or property caused by any defect therein nor shall the city be held as assuming any such liability by reason of the specifications or inspection authorized herein or permit issued as herein provided. Should any section, subdivision, sentence, clause or phrase of this chapter be declared by the courts to be invalid, the same shall not affect the validity of this chapter as a whole or any part thereof other than the part so invalidated.

Sec. 9.1-8. Penalty.

Any person who shall violate a provision of this chapter or code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair geothermal systems or private geothermal systems in violation of an approved plan, specification or directive of the code official, or of a permit or certificate issued under the provisions of this chapter or code, shall be guilty of a municipal civil infraction. A defendant who is found responsible for an ordinance violation designated as a municipal civil infraction, whether by admission or by court determination, is subject to a civil fine not to exceed five hundred dollars (\$500.00) per offense, plus court costs. Any subsequent violation of this section may be prosecuted as a misdemeanor with fines no exceeding five hundred dollars (\$500.00) and/or ninety (90) days in jail. Each day that the violation occurs constitutes a separate violation.

Sec. 9.1-9. Unauthorized use of system; penalty.

- (a) Unauthorized physical connections. It shall be unlawful for any person to make any physical connection to the department's geothermal system operating within the City of Wyandotte right-of-way that is not expressly authorized by the operator of the system.
- (b) Unauthorized physical installation. It shall be unlawful for any person to install any geothermal system in the right-of-way of the City of Wyandotte without the express authorization of the department.
- (c) Unauthorized modification to equipment or system. It shall be unlawful for any person to make any modification to the geothermal system in the city right-of-way so as to induce any uncompensated system service or level of service for which the operator has established a compensation rate without the express authorization of the operator of such system.
- (d) Theft of renewable energy source. It shall be unlawful for any person to obtain, by any reason whatsoever, any renewable energy from any geothermal system operating within the City of Wyandotte right-of-way without the express authorization of the operator of such system.
- (e) Penalty. Any person using any such geothermal system in the city right-of-way, without the authority of the operator of such system, for the purpose of using the renewable energy source or any violation of any provision of this section shall be guilty of a municipal civil infraction. A defendant who is found responsible for an ordinance violation designated as a municipal civil infraction, whether by admission

or by court determination, is subject to a civil fine not to exceed five hundred dollars (\$500.00) per offense, plus court costs. Any subsequent violation of this section may be prosecuted as a misdemeanor with fines no exceeding five hundred dollars (\$500.00) and/or ninety (90) days in jail. Each day that the violation occurs constitutes a separate violation.

Secs. 9.1-10 – 9.1-19. Reserved.

ARTICLE II. PERMITS AND INSPECTIONS

Sec. 9.1-20. Permit required.

A plumbing permit shall be required prior to the installation, alteration or modification of vertical heat exchangers and ground source heat pump loop systems.

- (a) The permit shall be secured from the city engineer.
- (b) No alterations or additions shall be made to an existing vertical heat exchanger or ground source heat pump loop system after installation and inspection without first notifying the city engineer and securing a permit thereof.
- (c) Subsection (a) shall not apply to repair work of valves and fittings.

Sec. 9.1-21. Permit application generally.

Applications for the permit required by this article shall describe the work to be done and be made by the person, firm or corporation doing the work.

Sec. 9.1-22. Fraudulent permit applications.

- (a) It shall be unlawful for any person to present any fraudulent information in making application for any permit from the inspection authority. Furthermore, it shall be unlawful to use the name of another person in order to secure a geothermal permit unless regularly employed by and directly authorized by the person approved by the municipal service commission.
- (b) It shall be unlawful for an independent person to file for a geothermal permit for work contracted for or performed or to be performed by others in the city right-of-way without specific permission of the municipal service commission.

Sec. 9.1-23. Persons eligible for permits.

Permits shall be issued pursuant to this article only to:

- (1) Holders of a contractor's license who are approved for the installation of a geothermal system in the city right-of-way by the municipal service commission.

- (2) Any person or homeowner employing a person approved by the municipal service commission to install a geothermal system in the city right-of-way who shall supervise actively the new installation in the public right-of-way, which is to be used by the applicant to provide a renewable energy source at the premises adjacent to the public right-of-way.
- (3) Holders of a contractor's license, for the installation of a private geothermal system.
- (4) Any person or homeowner employing a person who shall supervise actively the new installation on private property, which is to be used by the applicant to provide a renewable energy source at the premises on the private property.

Sec. 9.1-24. Additional work under permits.

After a permit has been issued pursuant to this article and the fee deposited, no additional work shall be included. In cases in which additional work is to be installed, a new permit shall be secured and the fee paid.

Sec. 9.1-25. Permit expiration.

Any permit issued shall become invalid if the authorized work is not commenced within six (6) months after issuance of the permit or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work.

Sec. 9.1-26. Refund of permit fees.

If no work has been done, a permit grantee shall be entitled to a refund of his or her permit fee in accordance with established rules of the city.

Sec. 9.1-27. Permit revocation.

Any permit issued pursuant to this article in violation of state law, these rules or any ordinance, or as a result of false or fraudulent information, or misinterpretation of conditions, shall be subject to revocation at the discretion of the inspection authority. The person holding the permit shall be notified to appear and show cause why the permit should not be revoked and failure to appear shall be deemed sufficient to cause the permit to be revoked.

Sec. 9.1-28. Notification of incomplete installation required.

Should any person to whom a permit has been issued quit the installation for any reason, that person shall notify the inspection authority and request inspection of work completed and secured. If a permit holder fails to notify the inspection authority the property owner for whom the system is being installed for may notify the inspection authority.

Sec. 9.1-29. Inspections generally.

Within twenty four (24) working hours of commencement of the installation of the geothermal system, it shall be the duty of the permit holder to notify the city engineer, who shall

instruct the inspector to inspect, from time to time for the duration of the work, the installation. Upon completion, if it is found to be fully in compliance with this chapter and does not constitute a hazard to life and property, the inspector shall issue to the permit holder, a certificate of inspection authorizing connection to the geothermal system.

Sec. 9.1-30. Right of inspection authority to require contractor's representative to be present.

The inspection authority reserves the right to require a representative of the approved person or contractor to be on the job when inspection is made.

Sec. 9.1-31. Records.

The city engineer shall keep complete records of all permits issued and inspections made and other official work performed under the provisions of this chapter. The city engineer shall be provided with the necessary office space and clerical help to carry out the provisions of this section.

Secs. 9.1-32 – 9.1-39. Reserved.

ARTICLE III – STANDARDS

Sec. 9.1-40. Codes and standards.

All materials and devices or appurtenances and all construction and maintenance shall comply with the following:

- (a) A certain document, one (1) copy of which is on file in the office of the city clerk of the City of Wyandotte, being marked and designated as the Michigan Mechanical Code/2006 Edition, is hereby referred to, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, as prescribed in Chapter 7, Article III of this Ordinance.
- (b) A certain document, one (1) copy of which is on file in the office of the city clerk of the City of Wyandotte, being marked and designated as the Standards and Specifications for the Installation of Geothermal Systems as adopted by the department of municipal services of the City of Wyandotte, is hereby referred to, and made a part hereof, as if fully set out in this chapter.
- (c) Specifications, guidelines, rules and regulations for the construction and operation of private geothermal systems, as determined to be equal to those adopted by the department of municipal services by the city engineer.
- (d) The purpose of this code is the practical safeguarding of persons and property from hazards arising from the installation of a geothermal system.

Sec. 9.1-41. Construction requirements.

No certificate of inspection shall be issued unless the installations are in strict conformity with the provisions of this chapter, and the rules and regulations issued by the department of municipal services, and, unless they are in conformity with the approved methods of construction for safety to life and property. The regulations as set forth in the 2006 Edition of the Michigan Mechanical Code and other installation and safety regulations approved by the department of municipal services, or in the case of private geothermal systems, the plans and documents approved by the city engineer, shall be prima facie evidence of such approved methods.

Sec. 9.1-42. Materials, appurtenances, etc.

No materials, devices, or appurtenances shall be used or installed unless they are in conformity with the provisions of this chapter and the rules and regulations issued by the department of municipal services, or in the case of private geothermal systems, materials, devices, or appurtenances determined as equal by the city engineer. Conformity of materials, devices and appurtenances with the standards of Underwriter's Laboratories, Inc., as approved by the American Engineering Standards Committee, and other standards approved by the American Engineering Standards Committee, shall be prima facie evidence that such materials, devices and appurtenances comply with the requirements of this chapter. The manufacturer's name, trademark or other identification symbol shall be placed on all materials, devices and appurtenances used or installed under this chapter.

Secs. 9.1-43 – 9.1-49. Reserved.

Section 2.

Nothing in this ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy or any character be lost, impaired or affected by this Ordinance.

Section 3.

Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be so invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 4.

Conflicting Ordinances. All prior existing ordinances adopted by the City of Wyandotte inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 5.

This Ordinance shall take effect fifteen (15) days from the date of its passage by the Wyandotte City Council and shall be published in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption.

On the question, "SHALL THIS ORDINANCE NOW PASS?" the following vote was recorded.

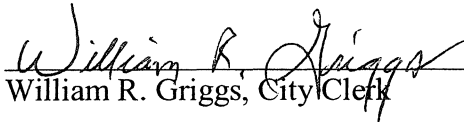
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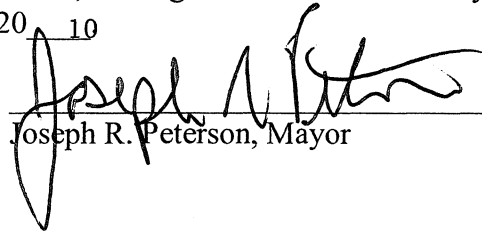
ABSENT None

I hereby approve the adoption of the foregoing Ordinance this 22 day of November, 2010

CERTIFICATION

We, the undersigned, Joseph R. Peterson and William R. Griggs, respectively, the Mayor and City Clerk of the City of Wyandotte, do hereby certify that the foregoing Ordinance was duly passed by the City Council of the City of Wyandotte, at a regular session on Monday, 22 day of November, 2010


William R. Griggs, City Clerk


Joseph R. Peterson, Mayor

The effective date of this Ordinance is December 7, 2010. A copy of this Ordinance may be purchased or inspected at the City of Wyandotte Clerk's Office, 3131 Biddle Avenue, Wyandotte, Michigan between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.