CHARTER TOWNSHIP OF COMSTOCK WATER SUPPLY AND CONNECTION ORDINANCE

ORDINANCE NO. 533

ADOPTED: October 16, 2023 EFFECTIVE THIRTY DAYS FOLLOWING PUBLICATION AFTER ADOPTION

An Ordinance to regulate and control the construction, installation, extension, service connection and operation of public water mains and public water service within the Charter Township of Comstock; to provide for connection to public water in case of well failure; to provide sanctions for violation of this Ordinance; and to provide for an effective date.

THE CHARTER TOWNSHIP OF COMSTOCK KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I TITLE

This Ordinance shall be known as the "Comstock Township Public Water Supply and Connection Ordinance".

SECTION II DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

"City" means the City of Kalamazoo or its city commission.

"City manager" shall mean the City Manager of the City of Kalamazoo.

"Public Water Supply System" means the water supply, treatment and distribution systems, including mains, transmission lines and laterals along with the water treatment plan and pumping facilities, together with related appurtenances thereto, including, but not limited to fittings, valves, hydrants, pumps, pumping equipment, water storage facilities, and related equipment. The City of Kalamazoo is the owner and operator of the public water supply system in

accordance with a contract entered into by the Regional Commission and the City in March, 2021.

"Commodity Charge" means a charge or charges based on the quantity of water measured or estimated as passing to the premises of the customer.

"Cross connection" means any arrangement of piping or other connections, breaks or injury to the water system through which water, including water of questionable quality, waste or other contaminants, can enter the public water supply system.

"Curb Stop" means the point at which the service tap connects to the water main.

"Customer" means any person, party, company or institution which is supplied with public potable water.

"Customer's water service" means any water supply piping from the curb stop to the building's plumbing.

"Department" is the Department of Public Services of the City of Kalamazoo.

"Director" means the City Director of Public Services or his/her authorized agent or representative.

"Disconnect notice" means that form which is mailed to delinquent water customers informing them of the amount due, future service charge and pending disconnection of the customer's water service if payment is not received by the date and time specified within the notice.

"Finalled account" means a customer's water service account that has been billed for services through the last (final) day of use by the customer of that account.

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns.

"Premises" means a parcel of land and the buildings located on it.

"Potable water" means a water supply that does not contain contamination or infectious material and is considered satisfactory for drinking.

"Readiness-to-serve charge" means a charge based on meter size, which does not vary with usage.

"Reduced pressure backflow preventer" means a device to eliminate the potential for backflow or back siphoning of non-potable water into the municipal water supply.

"Service tap" means that part of the service from the water distribution main to the curb stop, which is point of connection with the customer site piping at or near the property line. "Service Tap" also includes a shut-off valve and valve box installed by the department behind the curb and at the customer end of the service tap.

"Tampering" means the unauthorized alteration of a water meter or other plumbing facilities to obtain water or to circumvent the measurement of actual water consumption, excluding vandalism or other types of accidental damage.

"Township" means the Charter Township of Comstock or its Township Board.

"Township Water Service Representative" shall mean the Kalamazoo Regional Water & Wastewater Commission, of which Comstock Charter Township is a member.

"Water connection" means that part of the water distribution system connecting the water main with the premises served. Such connection ends at the curb stop, provided, however, that the water meter shall be the property of the City.

"Water main" or "Public Water Main" means that part of the water distribution system located within easement lines or streets designed to supply more than one water connection. It is inclusive of water supply piping and connections and the curb stop normally located at the owner's property line.

"Water rate" means a charge or charges based on the quantity of water measured or estimated as passing to the premises of the customer

"Water service" means the equipment used to deliver and measure the potable water to the water service customer's premises.

"Water Service Agreement" means a certain contract entered into by the City of Kalamazoo and the Charter Townships of Comstock, Cooper, Kalamazoo, Oshtemo and Texas, the Townships of Richland and Pavilion, and the Village of Richland in March 2021; as it may be amended from time to time.

SECTION III PUBLIC WATER SYSTEM CONTROL

A. Control of System. The operation, maintenance, alteration, repair and management of the Public Water System in Comstock Township is the responsibility of the City of Kalamazoo in accordance with the Water Service Agreement; and is subject to the

terms of such contract and franchise between the Township and the City of Kalamazoo for the exclusive provision of public water in Comstock Township, Kalamazoo County, Michigan. Extension of Public Water Service in Comstock Township shall be subject to the Water Service Agreement, and this Ordinance to the extent permitted by such agreement.

In accordance therewith the Department and Director have primary oversight, operation, repair, management and maintenance responsibilities for the Public Water System in Comstock Township, Kalamazoo County, Michigan.

The Township grants to the City and Department authority to make and issue rules and regulations concerning the water system, connection thereto, meter installation and maintenance, hydrants, and water mains and the appurtenances thereto, not inconsistent with this Ordinance. The rules and regulations in effect at the time of adoption of this Ordinance shall continue until changed in accordance with this provision.

- **B.** Wells. Where, in the determination of the Water Service Provider a health hazard exists or is fairly imminent from the existing water supply and the property has available public water service, the Township may require the discontinuance of the private water supply and the connection to the public water line.
- 1. Where a well is determined to be a threat to groundwater resources due to contaminants by the Township Engineer, the Kalamazoo County Health and Human Services Department, the State of Michigan, or one of its groundwater consultant contractors, the Township Board will accept a written notification from the County Health Department; the State of Michigan or the Township Engineer as prima facie evidence that a health hazard exists and shall order discontinuance of the private water supply (well) and shall require connection to the public water line. In the case of such order, arrangements for the provision of safe/bottled water shall be assured by the safe/bottled water supply entity in consultation with the Township.
- 2. Where a well is deemed a health or safety hazard due to contamination by the Kalamazoo County Health and Human Services Department, the Township Engineer, the State of Michigan or one of its groundwater consultant contractors, the Township board will accept notification therefrom as prima facie evidence that a health hazard exists and shall order discontinuance of the private water supply (well) and shall require connection to the public water line. In case of such order, arrangements for the provisions of safe/bottled water shall be arranged between the water service provider and the Township. A private discontinued well shall be abandoned when municipal water is installed and shall be plugged pursuant to the State Administrative Rules implementing Part 127, 368 of 1978, as amended (MCL 333.12701 et seq.), the "State Well Code".
- 3. "Contaminant" as used in this subsection means any pesticide or fertilizer originated chemical, radionuclide, ion, synthetic organic compound,

microorganism, or other waste that does not occur naturally or that naturally occurs at a lower concentration than detected.

- 4. "Contamination" as used in this ordinance means the direct or indirect introduction into the environment of any contaminant caused in whole or in part by human activity.
- 5. "Discontinued" shall mean the abatement of use of a private well that has been deemed contaminated or unsafe by one of the entities referred to in this subsection. A discontinued well shall be abandoned by the owner upon the provision of municipal water to the premises.

SECTION IV RATES, FEES, BILLS, AND BILLING FOR WATER

A. Recitals and Basis.

- 1. All rates for water supply and services are based upon the furnishing of potable water to each customer at the connection point. Meters are used to establish quantity used at each connection point.
- 2. The amount of fees, rates, and charges shall be set in accordance with the terms of the Water Service Agreement, which shall be effective upon adoption and publication by the City Commission; and may be approved by resolution of the Township Board as they are amended from time to time.
- B. **Payment Required**. A person using or otherwise desiring service from the public water system shall pay to the City the rates, charges and fees established by the City Commission and resolution of the Township Board, if any.
- C. **Billing Methodology and Payments.** Deposits, Readiness-to-Serve Charges (if any); Water Rate Charges and Miscellaneous Fees shall be billed by the City of Kalamazoo to the individual township customers in the same manner and pursuant to the same system and methodology employed by the City in Chapter 38, Article III of the Kalamazoo City Code. The City is authorized hereunder to employ such billing methods, payment plans, budget plans, NSF check fees and all other billing and collection routines specified in Chapter 38, Article III of the Kalamazoo City Code, as it may be amended from time-to-time and so long as there is no differentiation in billing and collection method applicable to city versus township customers.

D. Categories of Fees.

- 1. **Service Connection Charges.** In accordance with Section 38-8 of the City of Kalamazoo Code of Ordinances, Service Connection Charges may be imposed and advance deposits towards contraction charges established under that Section may be required prior to construction.
- 2. Water Rates and Fees. Rates for water service to Comstock Township Customers shall be in accordance with the Water Services Agreement, and Section 38-33 of the Code of the City of Kalamazoo, as may be adjusted from time-to-time in accordance with such documents and may be accepted by Resolution of the Comstock Township Board.

3. **Miscellaneous Fees.** Miscellaneous fees and charges including but not limited to hourly charges and fees for field service work, NSF fees, overtime fees, adverse conditions charges, over- and under- charges, tampering charges, and any and all other services and charges referenced elsewhere in this Ordinance and authorized by the Kalamazoo City Code shall be charged to the customer in the amounts referenced within such provisions of the City Code. The City is hereby authorized to charge such fees to Comstock Township water customers accordingly.

E. Due Date; Penalty for Late Payment.

- 1. **Monthly Bills, Notices and Disconnection.** Bills for water service charges are due and payable to the City in accordance with the City's regular billing cycles. Failure to receive a bill will not entitle a customer to forego any charge for non-payment within the time specified. The City is authorized to employ those methods for late payment billing, disconnect notices and discontinuation of service as indicated in the Kalamazoo City Code and is authorized herein to undertake those procedures.
- 2. **Voluntary discontinuation.** The customer is responsible for payment of all bills rendered until he or she orders the water service to be discontinued and the City has had reasonable time to affect such discontinuance.

F. Free Service Prohibited.

No free service shall be furnished by the water system to any person, public or private, or to any public agency or instrumentality.

G. Lien Rights

1. The charges for water service which become due and payable pursuant to this Ordinance, or otherwise, are hereby recognized to constitute a lien on the premises receiving such service. Whenever any such charge against any property shall be delinquent for six months, the City shall so notify the Township. The Township Treasurer will certify to the tax assessing officer of the Township the fact of such delinquency, whereupon such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general township taxes against such premises are collected and the lien thereof enforced. Nothing in this section, however, shall be deemed to prevent the Township or the City from suing in a court of law to collect the amounts due for water services or to pursue any other remedy which the Township or City may have. In addition to the other remedies provided for in this section, the City shall have the right to shut off and discontinue the supply of water to any premises for the non-payment of such charges when due.

2. For Comstock Township residential customers, no lien shall attach unless the user of the water service is also the owner of the real estate or unless the owner negotiated or executed an agreement with the tenant stating that the owner is responsible for the water bills and charges. Where notice is given in writing to the City that a tenant is responsible for the water bills and charges, said notice shall include a signed affidavit form that shall be notarized and a true copy of the lease of the affected premises shall be filed therewith. After such notice is received by the city, the city is authorized to refuse service to such premises unless a cash deposit as may be provided in the City's Code of Ordinances is provided by the tenant and all amounts due from the tenant have been paid in full. By filing the notices in the subsection, any charges for water services incurred by a tenant for service beginning with the first day of the billing cycle following the filing of the affidavit with the City shall not be subject to a lien against said premises.

SECTION V GENERAL REGULATIONS

A. Applications for service/service use change/resale of service.

- 1. An application for a water connection shall be made to the Department on forms prescribed and furnished by the Department. No unauthorized person shall uncover, make any connections with or opening onto, use, alter, tamper, or disturb any public water main or appurtenance thereof without first obtaining a written permit from the Director. The applicant for a water permit shall notify the city when the water connection is ready for inspection and connection to the public water main.
- 2. Prospective customers shall be responsible for ascertaining from the City whether the property type and size of service delivery equipment is available at a particular location when planning the purchase and/or installation of any service connection.
- 3. No quantity of potable water delivered to premises shall be transmitted off of such premises by means of pipes, hoses, or connection to a different transmittal system. Personal-use amounts of drinking water shall not be included in this prohibition.

B. Equipment

1. Selection. Prior to the purchase of equipment for use in connection with the water system, the customer should secure from the City information as to the particular characteristics of the available water service (pressure, line size, etc.). The customer shall purchase and implement only that equipment that is authorized and approved by the Department for connection to the water system.

2. Meters

a. *Installation*. Water meters shall be installed in accordance with the rules and regulations of the Department and the manufacturer's

installation instructions. Meter locations shall be provided on the customer's premises as directed by the Department or Director. The customer shall provide, as directed by and free of expense to the city and the township, close to the point of the connection, a suitable space for the installation of the metering equipment and shall, at all time, keep the area about, over and under the meter free and clear so that easy access may be had by authorized personnel of the city. All meters shall be the property of the City, which will determine, the size, type, location and suitability of the equipment.

- b. Connection to service tap. The responsibility for the installation and maintenance of the water connection from the end of the service tap to the owner's premises, including department-supplied meter settings, shall be that of the owner served.
- c. *Meters required*. All premises using water shall be metered. The appropriate meter size shall be determined by the Department to adequately serve the premises.
- d. *Meter seals*. No person except a Department employee shall break or damage the seal or change the location of, alter, bypass or interfere in any way with any water meter. Any such unauthorized work on a meter shall be considered tampering under the provisions of this Ordinance.
- e. Access to meters. The Department shall have the right to shut off the supply of water to any premises where the Department is not able to obtain access to the meter. Any qualified employee of the Department shall, at all reasonable hours, have the right to enter the premises where such meters are installed for the purposes of reading, testing, removing, or inspecting the same and no person shall hinder, obstruct, or interfere with such employee in the lawful discharge of his duties in relation to the care and maintenance of such water meter.
- f. Reimbursement for damaged meters. Any damage which a meter may sustain, resulting from tampering or carelessness of the owner, agent, or tenant or from neglect of either of them to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water, or steam backing from a boiler, shall be paid by the owner of the premises served to the City on presentation of a bill therefore; and in cases where the bill is not paid, the water will be shut off and shall not be turned on until all charges have been paid to the city. The City and the Township may also seek other damages and remedies, as may be authorized by law.

- g. *Meter failure*. If any meter shall fail to register properly, the department shall estimate the consumption on the basis of former consumption and bill accordingly.
- h. *Return of meter*. No person shall fail to deliver forthwith to the City or the Director any water meter after he/she shall have removed the meter from the premises of a consumer.
- i. Accuracy and testing. A customer may require that the water meter be tested. If the meter is found accurate, a charge in an amount established by the City will be made by the City. If the meter is found defective, it shall be repaired or an accurate meter installed and no charge shall be made.
- j. Determination of accuracy. The Department shall set accuracy parameters for all meters. A meter shall be considered accurate if when tested it registers within the accuracy parameters set by the Department. If a meter registers in excess of the accuracy parameters set by the Department, it shall be considered fast to that extent. If a meter registers in less than the accuracy parameters set by the Department, it shall be considered slow to that extent.
- k. *Testing by City*. When the Department or Director on its own initiative makes a test of a water meter, it shall be done without cost to the consumer, other than his/her paying the amount due for water used by him/her as provided in this Ordinance if the meter is found to be "slow".
- 1. Adjustments. If a water meter has been tested at the request of a consumer and shall have been determined to register "fast", the City shall credit the consumer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by the consumer within the three months prior to the test. If a meter so tested is determined to register "slow", the City acting as the Township's agent may collect from the consumer a sum equal to the percent "slow" multiplied by the amount of all the bills incurred by the consumer for the prior three months.
- m. Remote meter readers. The City is authorized to provide meter reading services via remote reader, if such services are available for use in Comstock Township.

C. Tapping-in.

The Department and/or its agents shall be responsible for the provision of any and all service taps to water mains within the water system. The service taps or connections shall include all materials and labor, including any and all costs associated therewith, required to install the service connection from the water main to the property line up to and including a cumulative length of 66 feet. The City may impose higher rates for longer taps, which shall be paid in accordance with the rate schedule adopted by the City, as it may be amended from time to time. This cost allocation shall apply to all water service connections without regard to meter or service diameter size. All required water meters shall be provided by the city and shall be and remain the property of the city.

D. Turning on Water Service.

No person, other than an authorized employee of the Department, shall turn on or off any water service, except that a licensed plumber may turn on water service for testing his/her work, after which it must be immediately turned off, or, upon receiving a written permit from the Department, water may be turned on for construction purposes only prior to the granting of a certificate of occupancy for the premises and upon payment of the charges applicable thereto. Any other turn-on or turn-off shall be considered tampering under the provisions of this Ordinance.

E. Limitations on Use.

The City Manager or Director, acting as agent of the Township may, when the public health and safety require it and subject to the approval of the City Commission may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to ensure an adequate supply for essential domestic and commercial needs and for fire fighting, and to effectuate emergency repairs to the water or sewer system. For non-emergency conditions (water storage tanks maintenance, main maintenance, water treatment plate repairs, etc.), no such regulation, limitation or prohibition shall be effective until 24 hours after the publication thereof in a newspaper of general circulation in the Township. For emergency conditions (i.e. water shortage due to major fire, water contamination, etc.), immediate action may be taken by the City Manager to limit the use of water at different locations in the Township's water system in conjunction with similar efforts being made in the city. It shall be unlawful for any person to violate any such rule or regulation.

F. Wasting Prohibited.

The owner of the premises upon which a water meter is installed shall prevent all unnecessary waste of water.

G. **Prohibition on Resale.**

No customer shall resell public water to others. The renting of premises shall not be considered a resale of such services as defined herein.

H. Unauthorized Tampering with or Injuring of Facilities.

No person shall willfully or carelessly break, damage, destroy, uncover, deface or tamper with any meter, seal, stopcock, curb box, service pipe, hydrant or other apparatus of the Public Water Distribution System or prevent any water meter from duly registering the quantity of water passing through the meter or in any way hinder or interfere with its proper action or just registration or attach any line or pipe to any line belonging to the system. No person, unless he/she is a fire fighter acting in the line of duty or an authorized Township or City employee, shall willfully open or tamper with a fire hydrant. No person other than the Director or an authorized Township or City employee shall turn on water at the curb box or elsewhere after the water shall be turned off by the Water Department.

I. Permit for Fire Hydrant Use.

No person, except an authorized employee of the Township or the City, shall open or use any fire hydrant, except in an emergency, without first securing a written permit from the Township or the City and paying such charges as shall be prescribed by the City. No tap shall be made in any fire protection line unless special written permission is first secured from the Director and the Comstock Township Fire Department. If there is evidence that water is being illegally used from such fire lines the City shall have the right to turn off the water or demand that a meter be placed on the line. An owner of such lines shall be liable for the payment of back water fees for water unlawfully used from the lines.

J. Repairs.

- (1) For damage due to freezing, breakage or leaking, the owner or tenant of the premises shall be responsible for the repair of the line from the curb box to his/her premises.
- (2) In the event of loss or damage to the property of the Public Water Supply System through misuse, or the negligence of the customer, the cost of necessary repairs or replacement thereof shall be paid to the City by the customer.
- (3) The customer shall be responsible to ensure that no one makes any internal or external adjustments to or otherwise interferes with or breaks the seals of meters or other equipment of the System which equipment is installed on the customer's premises.

K. Access.

The Department shall have the right at all reasonable hours to enter the premises of the customer and for the purposes established in this Ordinance.

L. Cross Connections.

- (1) State rules adopted. The Township adopts by reference the water supply cross connection rules of the Michigan Department of Natural Resources and Environment, being R 325.1140 to R 325.11407 of the Michigan Administrative Code.
- (2) *Inspections*. The department may 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.
- (3) Entry by representative of any property served by a connection. An authorized representative of the Director shall have the right to enter at any reasonable time any property served by a connection to the public water supply system for the purpose of inspecting the piping system or systems 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 system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection.
- (4) Discontinuance of water service. The Director or Department is authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this Ordinance 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(s) has been eliminated in compliance with the provisions of this Ordinance.
- (5) Testing of backflow prevention devices. All testable backflow prevention devices shall be tested initially upon installation to be sure that the device is working properly. Subsequent testing of devices shall be conducted by the Department and in accordance with applicable State requirements. Only individuals approved by the City shall be qualified to perform such testing. That individual(s) shall certify the results of the testing to the City.
- (6) Protection from possible contamination. 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 Ordinance and by the State 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

(7) Ordinance supplementary to State Plumbing Code. This Ordinance does not supersede the State Plumbing Code but is supplementary to it.

M. Administrative Liability.

No officer, agent, or employee of the Township or of the City shall render themselves as personally liable for any damages that may occur to any person as a result of any action required or permitted in the discharge of his or her duties under and the enforcement of this Ordinance.

N. City and Township Liability.

Water supply services are subject to shutdowns, variations and interruptions necessitated by improvements, repairs and/or operation of the system. possible, notice of intent to temporarily discontinue service will be given to the customer. Neither the City nor the Township shall be liable for loss or damage because of temporary interruption in service or because of inadequate or excessive quantity or quality due to events of nature, public enemy, accidents, labor disputes, normal maintenance, or acts of civil or military authorities. Neither the City, nor the Township shall be liable for damages in the event that the water supply is interrupted due to causes or conditions beyond its reasonable control, including extraordinary repairs, breakdowns, or injury to the machinery, transmission lines, distribution lines, or other facilities in the water supply system, or for acts taken by the City, the Township or its Agent, to limit or prevent the extent or duration of interruptions or disturbances of service to the water supply. The City and Township acknowledge that the provision of potable water is a governmental function and both parties reserve all defenses available to them, including but not limited to, the doctrine of governmental immunity in this State. Nothing in this ordinance may be construed as providing a third-party beneficiary claim to a Customer for any damage or injury resulting from the provision of Water Service.

O. **Disconnect Procedures.**

The City is authorized to employ such disconnect procedures as are contained in the Kalamazoo City Code and authorized by State Statute as to Township water customers.

P. Restoration of Service.

The City is authorized to employ those "restoration of service procedures" and requirements for same as are contained in the Kalamazoo City Code and authorized by State Statute as to Comstock Township customers.

SECTION VI SANCTIONS

A. Sanctions

Violation Declared Nuisance. Any person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine of not more than \$500 along with costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are

authorized under this Ordinance and Michigan law. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance. A violation of this Ordinance is also declared to be a public nuisance and the Township may also enforce the same by injunction or other relief which might be available or appropriate under the circumstances.

B. Violators Liable for Penalties Levied Against Municipality or Authority.

Any business, industry or person violating any of the provisions of this Ordinance, which results in fines or penalties being levied against the Township or the City shall become liable for said fine or penalty plus any expenses, loss or damage occasioned by such violation. This fine or penalty shall be levied in addition to the fine identified in subsection A. above.

SECTION VII SEVERABILITY

If any section, clause, sentence or provision of this Ordinance is declared to be invalid, said invalidity shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

SECTION VIII REPEAL

Ordinance No. 447 "Public Water Service" Ordinance (codified at Sec. 135.000) is hereby repealed.

SECTION IX EFFECTIVE DATE

This ordinance shall take effect thirty (30) days following publication after adoption.

Nicole Beauchamp, Clerk
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