

41-00079
CITY OF BAY CITY
ORDINANCE NO. 628

AN ORDINANCE FOR THE CONTROL OF BACKFLOW AND CROSS-
CONNECTIONS, REPEALING ORDINANCE NO. 560 AND DECLARING AN
EMERGENCY.

THE CITY COUNCIL OF THE CITY OF BAY CITY, OREGON ORDAINS AS
FOLLOWS:

Section 1. REPEAL. Bay City Ordinance No. 560 is hereby repealed in its entirety. Furthermore, all resolutions and ordinances regarding backflow and cross connections within the City of Bay City are hereby repealed.

Section 2. CROSS-CONNECTION CONTROL – GENERAL POLICY.

2.1 Purpose. The purpose of this ordinance is:

2.1.1 To protect the health and welfare of the customers of Bay City and the Kilchis Regional Water District by the control of actual or potential contamination or pollution from cross contamination.

2.1.2 To eliminate or control existing cross-connections, actual or potential, between the consumer's drinking water systems, lawn and fire sprinkler systems, and plumbing fixtures and industrial water distribution systems; and,

2.1.3 To provide for annual testing and maintenance of cross-connection and backflow prevention assemblies.

2.2 Responsibility.

The property owner shall be responsible for all cross-connection control within the premises and protecting the public drinking water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through water service connections.

When an approved backflow prevention assembly is required, the City or District shall give written notice to the property owner and occupant stating that an approved backflow prevention assembly shall be installed at a specified location designated by the City or the District.

The property owner and occupant shall install an approved backflow prevention assembly at their own expenses prior to receiving water service.

Water service shall be disconnected by the City or the District in the event said cross-connection and/or backflow prevention assemblies are not installed, maintained and tested annually.

Section 3. DEFINITIONS.

- 3.1 **Approved.** Approved backflow prevention assembly or backflow assembly means an assembly to counteract back pressures or prevent back siphonage as approved by the Oregon Department of Health.
- 3.2 **Auxiliary Water Supply** means any water source or system other than the public drinking water system that may be available in the building or on the premises.
- 3.3 **Backflow** means the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the City's or District's drinking water system.
- 3.4 **City** means City of Bay City.
- 3.5 **Contamination** means the entry into or the presence of any substance in the drinking water system which could be a public health hazard.
- 3.6 **Cross-Connection** means any physical arrangement where the City's or District's drinking water system is connected directly or indirectly, with any other water system or auxiliary system, sewer, drain pipes, swimming pool, storage reservoir, hot water heater, plumbing fixture, cooler, fire sprinklers, lawn sprinklers, or any other container or system which contains or may contain contaminated water, sewage, other liquids or an unknown or unsafe quality which may be capable of contaminating the City's or District's drinking water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other temporary or permanent devices through which, or because of which, backflow may occur, are considered to be cross-connections.
- 3.7 **District** means Kilchis Regional Water District.
- 3.8 **Double Check Valve Backflow Prevention Assembly** means an assembly composed of two independently acting approved check valves including tightly closed resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks.
- 3.9 **Public Health Hazard** means an actual physical or toxic contamination threat to the City's or District's drinking water system that would be a danger to health.
- 3.10 **High Public Health Hazard** means the classification assigned to an actual or potential cross-connection that potentially could allow substances or liquids that may cause illness or death to backflow into the City's or District's drinking water system.
- 3.11 **Plumbing Hazard** means an internal or plumbing-type cross-connection in the consumer's drinking water system that may be either a pollutional or a contamination type hazard. This includes, but is not limited to cross connections to toilets, sinks, lavatories, wash trays, domestic washing machines, dishwashers, water hoses, or fire and lawn sprinkling systems. Plumbing type cross connections can be located in many types of structures, including homes, manufactured homes, mobile homes, motor homes and

trailers, apartment houses, restaurants, food processing, grocery stores, beauty salons, commercial or industrial establishments.

3.12 Reduced Pressure Principle Backflow Prevention Assembly. An assembly containing two independently operating approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly.

3.13 Cross-Connection Specialist. A person designated by the City or District and who has been certified as a Cross-Connection Specialist by the Oregon Department of Human Services under OAR 333-061-0073.

Section 4. REQUIREMENTS.

4.1 Water System Service Connections. The City or the District shall provide and install at the property owner's expense the service line, shut off valve, and water meter to a location in the street right-of-way adjacent to the designated property line. No water service will be provided to the property until, at the property owner's expense, an approved backflow assembly and service line is installed and connected to the service side of the water meter by an Oregon certified plumber and is approved by the City or the District.

4.2 Inspections. All water consumers and owners of premises served by the City or water system shall permit inspections by the City or the District for the purpose of determining whether the water consumer or owner is in compliance with this ordinance.

4.3 Approved Devices. Any backflow prevention assembly required herein shall be a make, model and size approved by the Oregon Health Department. The term "Approve Backflow Prevention Assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by ORS 448.115 – 448.990 and OAR Chapter 333 and by the American Water Works Association entitled: AWWA/ANSI C510-92 Standard for Double Check Valve Backflow Prevention Assemblies; AWWA/ANSI C511-92 Standard for Reduced Pressure Principle Backflow Prevention Assembly and further updates and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California (USC FCCCHR) established in: Specifications of Backflow Prevention Assembly – Section 10 of the most current edition of the Manual of Cross-Connection Control and any further updates thereof. Final approval shall be evidenced by a "Certificate of Compliance" for the said AWWA standards, or "Certificate of Approval" for the said USC FCCCHR Specifications issued by an approved testing laboratory. The following testing laboratory has been qualified by the Water Commissioner to test and approve backflow prevention assemblies: Foundation for Cross-Connection Control and Hydraulic Research University of Southern California KAP-2.00 University Park MC-2531 Los Angeles, California 90089-2531. Testing laboratories other than the laboratory listed above will be added to an approved list as they are qualified by the Oregon Department of Health.

4.4 Periodic Testing. At their own expense consumers or property owners shall where backflow prevention assemblies are installed have a field test performed by a

certified backflow prevention assembly tester upon installation and at least once per year thereafter. In those instances where the City or the District deems the hazard to be great enough additional field tests at more frequent intervals may be required. These assemblies shall be repaired or replaced at the expense of the consumer whenever said assemblies are found to be defective. Records of such tests and repairs shall be kept and documentation provided to the City or the District.

Section 5. PENALTIES.

The consumer and owner shall be responsible for all damages to the City's or District's drinking water system and all other damages resulting from the consumer's violation of this ordinance.

Section 6. SAVINGS-CLAUSE.

If any provision, section, sentence, clause, phrase or portion of this ordinance shall for any reason be judged invalid or unenforceable by a court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.

Section 7. EFFECTIVE DATE.

The City of Bay City deems an emergency to exist to effectuated a timely, safe and efficient transition from the prior requirements to the current requirements, and therefore, this ordinance shall be in full force and be deemed effective immediately upon passage by the Council and approval by the Mayor.

Section 8. ENFORCEMENT.

The City or the District is authorized to make all necessary and reasonable rules and policies with respect to the enforcement of this ordinance.

PASSED and ADOPTED by the City Council this 10th day of April, 2007 and APPROVED by the Mayor this 11th day of April, 2007.

/s/ Shaena E. Peterson
Shaena E. Peterson, Mayor

ATTEST:

/s/ Linda Dvorak
Linda Dvorak, City Recorder

First reading: March 13, 2007
Second reading: April 10, 2007
Ayes: 6
Nays: 0
Abstentions: 0

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