

AN ORDINANCE AMENDING BEAVERTON CODE SECTIONS 4.02.160, "CROSS CONNECTION CONTROL REQUIREMENTS" AND 4.02.165, "BACKFLOW PREVENTER TESTING PROGRAM" TO COMPLY WITH RECENT AMENDMENTS TO STATE'S ADMINISTRATIVE RULES.

WHEREAS, the Federal government has authorized the State Health Division of the Department of Human Resources to administer the Federal Safe Drinking Water Act in this state; and

WHEREAS, the State in turn has authorized cities to administer the Federal Drinking Water Act within city limits, subject to certain minimum standards contained in the Oregon Administrative Rules; and

WHEREAS, part of the Federal Act and State Administrative Rules require all water suppliers to undertake a program for controlling and eliminating cross connections; and

WHEREAS, an amendment to the Beaverton Code is necessary to clarify the requirements of the City's cross connection control program and to make it consistent with the recent amendments to the State's Administrative Rules; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. BC 4.02.160, Cross Connection Control Requirements, hereby is amended on June 12, 1990 to read as follows:

"4.02.160, Cross Connection Control Requirements.

"A. The owner of premises to which the City supplies water shall install an approved backflow prevention device assembly on the owner's service to the premises if on the premises:

- "1. there is an auxiliary water supply; or,
- "2. there is piping used to convey a liquid other than potable water, and the piping is under pressure and installed and operated in a manner that may cause a cross connection; or,
- "3. there is intricate plumbing that makes it impractical to ascertain whether a cross connection exists; or,
- "4. there is a pipeline larger than two inches internal diameter supplying public water to the premises; or,
- "5. there is a structure more than 30 feet high as measured between the highest peak of the roof of that structure and the elevation of the service connection at the public water main to those premises, and the pipeline supplying water to that structure is two inches or less in internal diameter; or,
- "6. there is a risk of back siphoning or back pressure; or,
- "7. there is a cross connection or a potential cross connection.

"B. The owner of mobile apparatus to which the City supplies water shall provide for backflow prevention by installing a backflow prevention device assembly or providing an air gap separation on the mobile apparatus.

"C. A backflow prevention device assembly required under this section shall be:

- "1. of a type and model approved by the State Health Division of the Department of Human Resources; and
- "2. installed in accordance with standards approved by the State Health Division of the Department of Human Resources.

"D. An air gap separation required under this section shall be installed in accordance with standards approved by the State Health Division of the Department of Human Resources.

"E. Installation, repair, disconnection or other modification of a backflow prevention device assembly or air gap separation shall be at the sole expense of the property owner or the owner of mobile apparatus on which the assembly or separation is located. If modification of the City's water system is required to allow compliance with the requirements of this section, the cost of such modifications may be added to the property owner's water bill or may be billed directly to the property owner.

"F. A backflow prevention device assembly installed before the effective date of this section shall be permitted to remain in service regardless of whether the device is currently approved under subsection C of this section, so long as the device:

"1. was an approved device by the State Health Division at the time of installation; and

"2. was properly installed at the time of installation; and

"3. is:

- a. properly maintained;
- b. commensurate with the degree of hazard;
- c. tested annually as required by BC 4.02.165; and
- d. performs satisfactorily.

However, a backflow prevention device assembly used pursuant to this subsection shall be replaced by a device and in a manner approved by the Oregon State Health Division if the existing device is relocated or requires more than routine maintenance.

"G. If the City has reasonable grounds to believe that a violation of this section has occurred, is occurring, or is likely to occur, then upon reasonable notice to tenant or property owner, the City may deny or discontinue water service to the premises where the violation is believed to exist. The denial or discontinuance of water service may continue until an appropriate backflow prevention device assembly or air gap separation is installed on the premises.

Section 2. BC 4.02.165, Backflow Preventer Testing Program, hereby is amended on June 12, 1990 to read as follows:

"4.02.165 Air Gap Separation and Backflow Prevention Device Assembly Testing Program.

"A. Unless otherwise provided, the owner of property where a backflow prevention device assembly is required to be installed shall cause a test of the device to be performed:

"1. at the time of installation;

"2. within 30 days of the anniversary date of installation; and,

"3. if the device is moved, immediately thereafter.

"B. Unless otherwise provided, the owner of a mobile apparatus on which a backflow prevention device assembly or air gap separation is required shall cause a test of the assembly or an inspection of the air gap separation to be performed:

"1. within the year before use in the City; and

"2. annually thereafter.

"C. The City may require more frequent testing of backflow prevention assembly devices than is required under subsections (A) or (B) of this section if the assembly is installed at a facility that poses an extreme health risk or if the device fails repeatedly.

"D. The result of the test of a backflow prevention device assembly required under subsection A or B of this section shall be forwarded to the City within ten days of the date of the test.

"E. If the test result indicates the backflow prevention device assembly is operating properly, the City may acknowledge receipt of the test result and may indicate when the next regularly scheduled test of the assembly is required.

"F. If the test result indicates the backflow prevention device assembly is not operating properly, the assembly shall be repaired immediately and retested. The result of the retest shall be forwarded to the City within 10 days of the original test. If the retest result indicates the assembly is operating properly, the City may acknowledge receipt of the retest result and may indicate when the next regularly scheduled test of the assembly is required. If the retest result indicates the assembly is not operating properly, the City shall be notified immediately and the assembly shall again be repaired immediately and retested. The result of the retest shall be forwarded to the City within 10 days of the test. Retesting and repairing of an assembly shall continue until a test indicates the assembly operates properly.

"G. If the City has not received the result of a test required under subsection A or B of this section within 30 days of the required date of the test, the City may order a test and add the cost of the test to the property owner's water bill.

"H. If a property owner fails to repair a backflow prevention device assembly within ten days of a test showing the assembly is not operating properly, the City may order the repair of the assembly and add the cost of the repair to the property owner's water bill.

"I. The City, in accordance with BC 4.02.185, may discontinue the water service of any person who refuses or fails to pay for charges added to the person's water bill pursuant to subsection F and G of this section.

"J. All tests required under this section shall be performed by a person currently certified by the State Health Division of the Department of Human Resources to perform such tests.

"K. If the City has reasonable grounds to believe that a violation of this section has occurred, then upon reasonable notice the City may deny or discontinue water service to the premises where the violation is believed to exist. The denial or discontinuance of water service may continue until a backflow prevention device assembly is appropriately tested and shown to be operating properly.

"L. In addition to any other remedy provided by law, violation of BC 4.02.160 or 4.02.165, or failure to comply with an order thereunder, is punishable as a Class I Civil Infraction, to be processed in accordance with the procedure contained in BC 2.10.010 - .050. The imposition of a penalty for an infraction shall not excuse the infraction or permit it to continue. In addition to any liability under BC 2.10.010 - .050, a person found in violation of 4.02.160 or 4.02.165 shall be ordered to correct or remedy the cause of the violation."

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"C. A backflow prevention device assembly required under this section shall be:

- "1. of a type and model approved by the State Health Division of the Department of Human Resources; and
- "2. installed in accordance with standards approved by the State Health Division of the Department of Human Resources.

"D. An air gap separation required under this section shall be installed in accordance with standards approved by the State Health Division of the Department of Human Resources.

"E. Installation, repair, disconnection or other modification of a backflow prevention device assembly or air gap separation shall be at the sole expense of the property owner or the owner of mobile apparatus on which the assembly or separation is located. If modification of the City's water system is required to allow compliance with the requirements of this section, the cost of such modifications may be added to the property owner's water bill or may be billed directly to the property owner.

"F. A backflow prevention device assembly installed before the effective date of this section shall be permitted to remain in service regardless of whether the device is currently approved under subsection C of this section, so long as the device:

"1. was an approved device by the State Health Division at the time of installation; and

"2. was properly installed at the time of installation; and

"3. is:

a. properly maintained;

b. commensurate with the degree of hazard;

c. tested annually as required by BC 4.02.165; and

d. performs satisfactorily.

However, a backflow prevention device assembly used pursuant to this subsection shall be replaced by a device and in a manner approved by the Oregon State Health Division if the existing device is relocated or requires more than routine maintenance.

"G. If the City has reasonable grounds to believe that a violation of this section has occurred, is occurring, or is likely to occur, then upon reasonable notice to tenant or property owner, the City may deny or discontinue water service to the premises where the violation is believed to exist. The denial or discontinuance of water service may continue until an appropriate backflow prevention device assembly or air gap separation is installed on the premises.

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"1. at the time of installation;

"2. within 30 days of the anniversary date of installation; and,

"3. if the device is moved, immediately thereafter.

"B. Unless otherwise provided, the owner of a mobile apparatus on which a backflow prevention device assembly or air gap separation is required shall cause a test of the assembly or an inspection of the air gap separation to be performed:

"1. within the year before use in the City; and

"2. annually thereafter.

"C. The City may require more frequent testing of backflow prevention assembly devices than is required under subsections (A) or (B) of this section if the assembly is installed at a facility that poses an extreme health risk or if the device fails repeatedly.

"D. The result of the test of a backflow prevention device assembly required under subsection A or B of this section shall be forwarded to the City within ten days of the date of the test.

"E. If the test result indicates the backflow prevention device assembly is operating properly, the City may acknowledge receipt of the test result and may indicate when the next regularly scheduled test of the assembly is required.

"F. If the test result indicates the backflow prevention device assembly is not operating properly, the assembly shall be repaired immediately and retested. The result of the retest shall be forwarded to the City within 10 days of the original test. If the retest result indicates the assembly is operating properly, the City may acknowledge receipt of the retest result and may indicate when the next regularly scheduled test of the assembly is required. If the retest result indicates the assembly is not operating properly, the City shall be notified immediately and the assembly shall again be repaired immediately and retested. The result of the retest shall be forwarded to the City within 10 days of the test. Retesting and repairing of an assembly shall continue until a test indicates the assembly operates properly.

"G. If the City has not received the result of a test required under subsection A or B of this section within 30 days of the required date of the test, the City may order a test and add the cost of the test to the property owner's water bill.

"H. If a property owner fails to repair a backflow prevention device assembly within ten days of a test showing the assembly is not operating properly, the City may order the repair of the assembly and add the cost of the repair to the property owner's water bill.

"I. The City, in accordance with BC 4.02.185, may discontinue the water service of any person who refuses or fails to pay for charges added to the person's water bill pursuant to subsection F and G of this section.

"J. All tests required under this section shall be performed by a person currently certified by the State Health Division of the Department of Human Resources to perform such tests.

"K. If the City has reasonable grounds to believe that a violation of this section has occurred, then upon reasonable notice the City may deny or discontinue water service to the premises where the violation is believed to exist. The denial or discontinuance of water service may continue until a backflow prevention device assembly is appropriately tested and shown to be operating properly.

"L. In addition to any other remedy provided by law, violation of BC 4.02.160 or 4.02.165, or failure to comply with an order thereunder, is punishable as a Class I Civil Infraction, to be processed in accordance with the procedure contained in BC 2.10.010 - .050. The imposition of a penalty for an infraction shall not excuse the infraction or permit it to continue. In addition to any liability under BC 2.10.010 - .050, a person found in violation of 4.02.160 or 4.02.165 shall be ordered to correct or remedy the cause of the violation."