

ORDINANCE NO. 499

4100278

AN ORDINANCE ADOPTING RULES AND REGULATIONS FOR THE CITY OF
ENTERPRISE RELATING TO CROSS CONNECTIONS

THE CITY OF ENTERPRISE ORDAINS AS FOLLOWS:

WHEREAS, Pursuant to Chapter 333, Division 61 of the Oregon Administrative Rules, it is the responsibility of the City of Enterprise to protect its drinking water by systematically identifying and controlling cross connections.

WHEREAS, any customer using the City of Enterprise water system that may have the potential to contaminate the public water supply through backflow, back siphonage, or cross connection shall be required to be inspected by a state certified cross connection inspector.

NOW, THEREFORE, the City of Enterprise does ordain as follows:

Section 1. DEFINITIONS.

(1) "Approved backflow prevention device" means a device to counteract back pressures or prevent back siphonage. This device must appear on the list of approved devices issued by the Oregon State Health Division.

(2) "Auxiliary supply" means any water source or system other than the public water system, that may be available in the building or on the premises.

(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 water system of the City's water.

(4) "Contamination" means the entry into or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water.

(5) "Cross Connection" means any physical arrangement where a public water system is connected, directly or indirectly, with any other non-drinkable water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers, or any other device which contains, or may contain, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change over devices, or other temporary or permanent devices through which, or because of which, backflow may occur are considered to be cross connections.

(6) "Degree of hazard" shall be derived from the evaluation of a health, system, plumbing or pollution hazard.

(7) "Double Check Valve Assembly" means as assembly of two independently acting check valves with shut-off valves on each side of the check valves and test cocks for checking the water tightness of each check valve.

(8) "Division" means the Health Division of the Oregon Department of Human Resources.

(9) "Health hazard" means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

(10) "Plumbing hazard" means an internal or plumbing-type cross-connection in a consumer's potable water system that may be either a pollutant or a contamination-type hazard. This includes, but is not limited to, cross connections to toilets, sinks, lavatories, wash trays, domestic washing machines and lawn sprinkling systems. Plumbing-type cross connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments.

(11) "Pollutant hazard" means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable system but which would not constitute a health or system hazard, as defined. The maximum degree of intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

(12) "Potable water supply" means any system of water supply intended or used for human consumption or other domestic use.

(13) "Premises" means any piece of land to which water is provided including all improvements, mobile homes(s) and structures located on it.

(14) "Reduced pressure principle device" shall mean an assembly containing two independently acting approved check valves together with a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The device shall include properly located test cocks and tightly closing shut-off valves at the end of the assembly. A check valve is approved if it appears on the list of approved devices issued by the Oregon State Health Division.

(15) "System hazard" means an actual or potential threat of severe danger to the physical properties of the public or consumer's potable water system or of a pollution or contamination which would have a detrimental effect on the quality of the potable water in the system.

Section 2. PURPOSE

The purpose of these regulations is to protect the water supply of the City of Enterprise from contamination or pollution due to any existing or potential cross connections.

Section 3. CROSS CONNECTIONS REGULATED

The control of cross connections shall be in accordance with this ordinance and in compliance with the Oregon Administrative Rules Chapter 333-61-070 (Cross Connection Control Requirements). The City of Enterprise shall have the authority to establish requirements more stringent than the Division's regulations if conditions so dictate. Therefore, no cross connections shall be created, installed, used or maintained on any property served by the City of Enterprise water system except in accordance with this ordinance.

Section 4. INSTALLATION, MAINTENANCE AND TESTING REQUIREMENTS.

To ensure property operation, installation, and accessibility of all backflow prevention devices, the following requirements shall apply to the installation of these device assemblies within the water system of the City of Enterprise.

(1) Prior to any water customer making a cross connection, as defined herein, a permit shall be obtained from the Superintendent of Public Works of the City of Enterprise or his designee. The applicant shall submit plans and specifications for the proposed cross connection

and proposed protective devices; the application shall be accompanied by an application fee of \$25.00. After installation, the cross connection and any required protective devices shall be inspected by the Superintendent or his designee.

(2) Assemblies must be installed at the point of delivery of the water supply, before any branch in the line. Alternate locations must be approved by the City of Enterprise prior to installations.

(3) All backflow device prevention assemblies shall be of a type and model approved by the Division and the City of Enterprise.

(4) Only device assemblies specifically approved by the Division for vertical installation may be installed vertically. Written requests for a variance must be submitted to the City of Enterprise prior to installation.

(5) The device assembly shall be readily accessible with adequate room for maintenance and testing. Device assemblies 2" and small shall have at least 6" clearance on all sides of the device assembly. All device assemblies larger than 2" shall have a minimum clearance of 12" on the backside, 24" on the test cock side, 12" below the device assembly, and 36" above the device assembly.

(6) If permission is granted to install the backflow device inside of the building, the device assembly shall be readily accessible during regular working hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

(7) Maximum height of installation shall not exceed five (5) feet for device assemblies 2" and larger unless there is a permanently installed platform meeting occupation safety and health (OSHA) standards to facilitate servicing the device assembly.

(8) Reduced pressure principle device assemblies may be installed in a vault only if relief valve discharge can be drained to daylight through a "boresight" type drain. The drain shall be of adequate capacity to carry the full rated flow of the device assembly and shall be screened on both ends.

(9) An approved air gap shall be located at the relief valve orifice of reduced pressure principle devices. This air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain and in no case less than on (1) inch.

(10) Immediately after installation, repair of the device assembly and/or the moving of the device assembly to another approved location, the device assembly must be tested by a state certified backflow device assembly tester. If for any reasons a device assembly fails any test, it shall be repaired and retested immediately until satisfactorily passing the test.

(11) The City of Enterprise will retain registration of all device assemblies. Registration shall consist of date of installation, installer, make, model, serial number, size and location of the device assembly and initial test report. All subsequent test results shall be retained in the file.

(12) Any damage to the device assembly(ies) caused by negligence or intentional acts will be the financial responsibility of the property owner. This responsibility will include, but not be limited to, purchase of a new device assembly, together with its installation, initial testing and annual testing thereafter.

(13) Device assemblies shall be tested more frequently if the City of Enterprise determines that there is "an extreme health risk" or the device assembly repeatedly fails.

(14) The property owner shall be responsible for protecting the device assembly from freezing and other severe weather conditions.

Section 5. MOBILE APPARATUS

Any mobile apparatus which uses the City of Enterprise water system or water from any premises with the city system must obtain permission from the City of Enterprise. Permission shall not be required for authorized fire personnel in providing emergency fire protection services.

Section 6. ACCESS TO PREMISES

Authorized employees or representatives of the City of Enterprise, with proper identification, shall have access during reasonable hours to all parts of the premises and within the buildings to which water is supplied. However, if any water user refuses access to a premises or to the interior of a structure at reasonable times and on reasonable notice for inspection by a cross connection specialist appointed by the City of Enterprise the supply of water will be terminated until the inspection can be completed.

Section 7. ANNUAL TESTING AND REPAIRS

(1) All backflow device assemblies installed on any property served by the City of Enterprise water system shall be re-tested annually and/or on a more frequent basis as required by Section 4(10) by a state certified tester. A report of each such test shall be promptly filed with the Superintendent of Public Works of the City of Enterprise. The water account of each customer maintaining a cross connection device shall be charged a \$6.00 report processing fee for each such test report required to be filed or actually filed with the City.

(2) All devices or assemblies found not functioning properly shall be immediately repaired by the tester as set out in Section 4(10), or replaced. All associated expenses shall be billed to the property owner. In the event of any subsequent inspections by representatives of the City of Enterprise Water Department, the water account of the water customer maintaining the cross connection device inspected, shall be charged an inspection fee based upon the established water department staff hourly rate, for hourly time charged water customers, and based upon the time expended in making said inspection and any reports thereof.

Section 8. COST OF COMPLIANCE

If in the opinion of the inspector, based on State Health Department and City guidelines a condition is found which warrants a backflow device installation the owner of the property will be notified that an approved device is required and a time limit set for installation. All costs of the approved device installation will be the property owners responsibility.

Section 9. TERMINATION OF SERVICES

In the event any water customer fails to comply with the terms of this ordinance, the customer's water service shall be terminated thirty (30) days after issuance a notice of the City's intent to do so. In the event the water customer agrees to an approved program of corrective action, the notice of termination may be rescinded. In the event the failure to comply causes an immediate threat to the quality of the City's water system, the water service may be terminated immediately without prior notice to the customer.

Section 10. PENALTIES.

(1) Violation of this ordinance shall constitute an infraction and upon conviction thereof may be punishable by imposition of a fine not to exceed \$2,000.00. Upon conviction, the court shall impose a minimum fine of \$50.00 for the first offense within five years, \$100.00 for the second offense within five years and \$300.00 for the third offense within five years.

(2) The court may order a fine in addition to the minimum fine specified above to be suspended upon condition that the conditions which constitute the violations be corrected within a time period to be specified by the court. Total fines imposed shall not exceed \$3,000.00. After hearing the court may order the imposition and payment of the suspended fine if the court finds that the conditions were not corrected within the times ordered.

(3) A separate offense shall be deemed to occur for each day this ordinance is violated.

(4) The Municipal Court of the City of Enterprise shall have jurisdiction to hear and try all violations of this Ordinance.

PASSED AND ADOPTED this 9th day of December, 1996 by the City Council for the City of Enterprise, Oregon.

APPROVED by the Mayor this 9th day of December, 1996.

Susan Roberts, Mayor

ATTEST:

Michele R. Young, City Recorder

ORDINANCE NO. 500**AN ORDINANCE VACATING A PORTION OF EAST LOGAN STREET****THE CITY OF ENTERPRISE ORDAINS AS FOLLOWS**

Section 1. Recitals. The City of Enterprise initiated hearings to vacate a portion of East Logan Street, and notice thereof was published and posted as required by law, and a public hearing thereon was held by the Enterprise City Council on September 9, 1996.


Section 2. Vacation of Street. The City of Enterprise does hereby vacate the following described portion of East Logan Street:

The North 15 feet of Logan street adjoining Blocks 8 and 9 and the South 15 feet of Logan Street adjoining Blocks 6 and 7 as dedicated on the plat of Gardner's Addition to the Town of Enterprise, Wallowa County, Oregon on file and of record in the office of the County Clerk of said County and State in Book C of Deeds, page 308.

Section 3. Reservation of Easements. The City of Enterprise does hereby reserve an easement over and across the above described property for City water lines, sewer lines and associated water and sewer facilities and other public utilities including electrical power, telephone and television cable facilities.

PASSED AND ADOPTED by the City Council of the City of Enterprise, Oregon this 9th day of September, 1996 by a vote of 6 ayes, 0 nays and Jeff Courtney abstaining.

APPROVED this 9th day of September, 1996.



Susan Roberts, Mayor

ATTEST:



Michele R. Young, City Recorder