

ep 74
2100

41-00405

ORDINANCE NO. 306

RECEIVED
JUN 17 2003
TECHNICAL SERVICE
DRINKING WATER DIV

AN ORDINANCE PROVIDING FOR THE ENACTMENT OF A NEW CHAPTER TO TITLE 13 OF THE JACKSONVILLE MUNICIPAL CODE BY REGULATING AND PROHIBITING CROSS-CONNECTIONS TO THE WATER SUPPLY OF THE CITY OF JACKSONVILLE; DECLARING CROSS-CONNECTIONS TO BE A HAZARD AND PROVIDING FOR THE ABATEMENT THEREOF; PROVIDING DEFINITIONS; PROVIDING FOR CONTROL AND USE OF BACKFLOW DEVICES; PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; REAFFIRMING ALL REMAINING PROVISIONS OF TITLE 13 OF THE JACKSONVILLE MUNICIPAL CODE; AND DECLARING AN EMERGENCY.

THE CITY OF JACKSONVILLE ORDAINS AS FOLLOWS:

Section 1. Chapter 13.05 is added to Title 13

of the Jacksonville Municipal Code to read as follows:

"Chapter 13.05. Water Supply Cross-Connections.

Section 13.05.010: PURPOSE AND SCOPE. The purpose of this ordinance is to protect the public health of water consumers by the control of actual and/or potential cross-connections to customers.

Section 13.05.020: DEFINITIONS.

(A) "Backflow" - shall mean the undesirable reversal of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources.

(B) "Backflow Prevention Device" (approved) - shall mean a device that has been investigated and approved by the regulatory agency having jurisdiction. The approval of backflow prevention devices by the regulatory agency should be on the basis of a favorable laboratory and field evaluation report by an "approved testing laboratory", recommending such approval.

(C) "Backflow Prevention Devices" (type) - shall mean any approved device used to prevent backflow into a potable water system. The type of device used should be based on the degree of hazard either existing or potential.

RECEIVED
JUN 1 7 00 AM
TECHNICAL SERVICE
PUBLIC WORKS DEPARTMENT
CITY OF JACKSONVILLE

(D) "Contamination" - shall mean 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.

(E) "Cross-Connection" - shall mean any unprotected actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which "back-flow" can or may occur are considered to be cross-connections.

(F) "Supervisor" - shall mean the Supervisor of Public Works of the City of Jacksonville, or authorized agent.

(G) "Hazard, degree of" - shall be derived from the evaluation of a health, system, plumbing or polluttional hazard.

(H) "Hazard, health" - shall mean 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.

(I) "Hazard, plumbing" - shall mean an internal or plumbing type cross-connection in a consumer's potable water system that may be either a polluttional 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.

(J) "Hazard, polluttional" - shall mean an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water 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.

(K) "Hazard, system" - shall mean an actual or potential threat of severe danger to the physical properties of the public or consumer's potable water system or a pollution or contamination which would have a protected effect on the quality of the potable water in the system.

(L) "Health Division Officer" - shall mean the Oregon State Health Division Officer, or authorized agent.

(M) "Potable Water Supply" - shall mean any system of water supply intended or used for human consumption or other domestic use.

Section 13.05.030: CROSS-CONNECTIONS. The installation or maintenance of a Cross-Connection which will endanger the water quality of the potable water supply system of the City shall be unlawful and is prohibited. Any such Cross-Connection now existing or hereafter installed is hereby declared to be a public hazard and the same shall be abated. The control or elimination of Cross-Connections shall be in accordance with this ordinance and in compliance with the Oregon Administrative Rules Chapter 333 Public Water Systems Section 42-230. The Supervisor shall have the authority to establish requirements more stringent than State regulations if he deems that the conditions so dictate. The City shall adopt rules and regulations as necessary to carry out the provisions of this ordinance. The Building Inspector is hereby authorized to enforce the provisions of this ordinance in the inspection of existing, new, and remodeled buildings.

Section 13.05.040: USE OF BACKFLOW PREVENTION
DEVICES.

(A) No water service connection to any premises shall be installed or maintained by the City unless the water supply is protected as required by State law and regulation and this ordinance. Service of water to any premises shall be discontinued by the City if a backflow prevention device required by this ordinance is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

(B) The customer's system should be open for inspection and tests at all reasonable times to authorized representatives of the City to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Supervisor shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the State and City statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

(C) An approved Backflow Prevention Device shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.

(D) Backflow prevention devices shall be installed under circumstances including but not limited to the following:

- (1) Premises having an auxiliary water supply.
- (2) Premises having Cross-Connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not Cross-Connections exist.
- (3) Premises where entry is restricted so that inspections for Cross-Connections cannot be made with sufficient frequency or at sufficiently short notice to assure that Cross-Connections do not exist.
- (4) Premises having a history of Cross-Connections being established or re-established.

(5) Premises on which any substance is handled under pressure so as to permit entry into the Public Water Supply, or where a Cross-Connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.

(6) Premises where materials of a toxic or hazardous nature are handled in such a way that if back siphonage should occur, a serious health hazard might result.

(7) The following types of facilities will fall into one of the above categories where a Backflow Prevention Device is required to protect the Public Water Supply. A Backflow Prevention Device shall be installed at these facilities unless the City determines that no hazard exists.

- a. Hospitals, mortuaries, clinics;
- b. Laboratories;
- c. Metal plating industries;
- d. Piers and docks;
- e. Sewage treatment plants;
- f. Food or beverage processing plants;
- g. Chemical plants using a water process;
- h. Petroleum processing or storage plants;
- i. Radioactive material processing plants or nuclear reactors;
- j. Facilities with fire service lines as specified by Oregon State Health Division;
- k. Others specified by the Purveyor.

(E) The type of protective device required shall depend on the degree of hazard which exists:

(1) An air-gap separation or a reduced-pressure-principle Backflow Prevention Device shall be installed where the Public Water Supply may be contaminated with sewage, industrial waste or a toxic nature, or other contaminant which could cause a health or system hazard.

(2) In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air-gap separation, or a reduced-pressure-principle Backflow Prevention Device shall be installed.

(F) Backflow Prevention Devices required by this ordinance shall be installed under the supervision, and with the approval, of the City.

(G) Any protective device required by this ordinance shall be approved by the Supervisor.

(H) These devices shall be furnished and installed by and at the expense of the customer.

(I) It shall be the duty of the customer-user at any premise where Backflow Prevention Devices are installed to have certified inspections and operational tests made at least once per year. In those instances where the Supervisor deems the hazard to be great enough he may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by a certified tester approved by the Supervisor. It shall be the duty of the Supervisor to see that these timely tests are made. The customer-user shall notify the Supervisor in advance when the tests are to be undertaken so that the Supervisor or a representative may witness the tests if so desired. These devices shall be repaired, overhauled or replaced at the expense of the customer-user whenever said devices are found to be defective. Records of such tests, repairs and overhaul shall be kept and copies sent to the Supervisor.

(J) No underground sprinkling device will be installed without adequate Backflow Prevention Devices.

(K) Failure of the customer to cooperate in the installation, maintenance, testing or inspection of Backflow Prevention Devices required by this ordinance or by State law shall be grounds for the termination of water service to the premises.

Section 13.05.050: CROSS-CONNECTION INSPECTION.

(A) No water shall be delivered to any structure hereafter built within the City of Jacksonville or within areas served by City water until the same shall have been inspected by the City for possible Cross-Connections and been approved as being free of same.

(B) Any construction for industrial or other purposes which is classified as hazardous facilities where it is reasonable to anticipate intermittent Cross-Connections, or as determined by the Supervisor, shall be protected by the installation of one or more Backflow Prevention Devices at the point of service from the Public Water Supply or any other location designated by the City.

(C) Inspections shall be made at the discretion of the Supervisor of all buildings, structures, or improvements for the purpose of ascertaining whether Cross-Connections exist. Such inspections shall be made by the City.

Section 13.05.060: LIABILITY. This ordinance shall not be construed to hold the City responsible for any damage to persons or property by reason of the inspection or testing herein, or the failure to inspect or test or by reason of approval of any cross-connections.

Section 13.05.070: PENALTIES.

(A) Any person or persons violating any of the provisions of this chapter, shall upon conviction thereof, be punished by a fine of not more than \$100.00. Each day that a prohibited condition shall continue after notice to the property owner or possessor shall constitute a separate offense.

(B) Upon conviction the supervisor shall disconnect the water service to the water system which is in violation of this chapter.

Section 2: Inasmuch as it is necessary for the immediate preservation of the public health, peace and safety of the City of Jacksonville, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

This ordinance shall be effective the 17 day of

June, 1986.

This ordinance adopted by the City Council and approved
by the Mayor this 17 day of June, 1986.

Shirley Carter
Mayor

ATTEST:

Doris E. Crockett
City Recorder