

41-00579

ORDINANCE NO 617-06

AN ORDINANCE AMENDING SECTIONS 3.01.295, 3.01.295 (J), AND 3.01.298 OF THE CITY CODE OF THE CITY OF NYSSA, ORDINANCE NO. 573 AND ORDINANCE NO. 614-06 BY CLARIFYING WHEN A BACKFLOW DEVICE IS REQUIRED AND DECLARING AN EMERGENCY.

THE CITY OF NYSSA DOES ORDAIN:

SECTION 1: Section 3.01.295(J) of the Nyssa City Code and the references to such Code Section in Ordinance No. 573 and Ordinance No. 614-06 are amended to read as follows:

J. All new construction.

SECTION 2: The following definition is added to Section 3.01.291 of the Nyssa City Code:

Potential Cross Connection	A cross connection that would most likely occur, but may not be taking place at the time of an inspection.
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SECTION 3: Section 3.01.298 of the Nyssa City Code and Section 10 of Ordinance No. 573 are amended to read as follows:

3.01.298 Annual Testing and Repairs. All backflow assemblies installed within the territory served by the city water system shall be tested immediately upon installation and at least annually thereafter by a state-certified tester. All such assemblies found not functioning properly shall be promptly repaired or replaced by the owner. If any such assembly is not promptly repaired or replaced, the city may deny or discontinue water to the premise. All repairs are the financial responsibility of the owner. The city will test all assemblies for residences within the city limits, at no cost to the owner. The cost for testing assemblies for non-residences (for example business, industrial, and commercial) shall be the financial responsibility of the owner. The city may test those assemblies outside the city limits and assemblies for non-residences with the fee being the going rates charged by state certified testers.

SECTION 4: Declaring of an Emergency

EMERGENCY CLAUSE: The Common Council of the City of Nyssa hereby adjudges that it is necessary for the immediate preservation of the peace, health and safety of the said City that this ordinance shall take effect immediately upon its passage and approval, and an emergency is hereby declared to exist and this ordinance will be in full force and effect immediately upon its passage by the Council and its approval by the Mayor.

Passed by the Common Council of the City of Nyssa, Oregon, by the following vote this 12th day of December 2006. (1st Reading)

AYES: Susan Walker, Kathy Flanders, Diego Castellanoz, Pat Brewer, Brent Huffman
Harry Flock and Alicia Shell

NAYS: None

ABSENT: None


Passed by the Common Council of the City of Nyssa, Oregon, by the following vote this 9th day of January 2007. (2nd Reading)

AYES: Susan Walker, Kathy Flanders, Diego Castellanoz, Pat Brewer, Brent Huffman
Harry Flock and Alicia Shell


NAYS: None

ABSENT: None

Approved this 9th day of January 2007.


Susan K. Walker, Mayor

ATTEST:


Beth Ann Christensen, City Recorder

ORDINANCE NO 614-06

AN ORDINANCE AMENDING SECTIONS 3.01.0291 AND 301.295 OF THE CITY CODE OF THE CITY OF NYSSA AND ORDINANCE NO. 573 BY CLARIFYING WHEN A BACKFLOW DEVICE IS REQUIRED AND DECLARING AN EMERGENCY.

THE CITY OF NYSSA DOES ORDAIN:

SECTION 1: The definition of "Cross Connection" in Nyssa City Code, Section 3.01.291 and Ordinance No. 573 is amended to read as follows:

Cross Connection: Any unprotected actual or structural arrangement between a public or a consumer's potable water system and any other source or systems through which any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied is introduced into any part of the potable system. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which or because of which backflow can occur are considered to be cross connections. Wells and sprinkler systems which are not connected to the City water system shall not be considered cross connections.

SECTION 2: Subsection 3.01.295 of the Nyssa City Code and Ordinance No. 573 is amended to read as follows:

3.01.295 Backflow Prevention Assembly Requirement. Approved backflow prevention assemblies shall be installed at the expense of the owner at the service connection as determined by the city in each of the following circumstances:

- A. If the nature and extent of any activity of the premises, or the materials used in connection with any activity of the premises, or materials stored on the premises, could contaminate or pollute the drinking water supply.
- B. On premises having any one or more cross connections as that term is defined in Section 3.01.291.
- C. Internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.

- D. A repeated history of cross connections being established or reestablished.
- E. Unduly restricted entry so that inspections for cross connections cannot be made with sufficient frequency or with sufficient notice to assure that cross connections do not exist.
- F. Materials of a toxic or hazardous nature being used such that, if back siphonage should occur, a health hazard could result.
- G. Any mobile apparatus which uses the city water system or water from any premises within the city water system.
- H. On any premises where installation of an approved backflow prevention assembly is deemed to be necessary to accomplish the purpose of these regulations in the judgement of the city.
- I. There is an auxiliary water supply which is connected to the potable water piping.
- J. All new construction or change of ownership.

SECTION 3: Declaring of an Emergency

EMERGENCY CLAUSE: The Common Council of the City of Nyssa hereby adjudges that it is necessary for the immediate preservation of the peace, health and safety of the said City that this ordinance shall take effect immediately upon its passage and approval, and an emergency is hereby declared to exist and this ordinance will be in full force and effect immediately upon its passage by the Council and its approval by the Mayor.

Passed by the Common Council of the City of Nyssa, Oregon, by the following votes this 11th day of July 2006. Approved this 11th day of July 2006. (1st Reading)

Ayes: Susan Walker, Kathy Flanders, Diego Castellanoz, Brent Huffman,
Alicia Shell and Harry Flock

Nays: None

Absent: Pat Brewer

Passed by the Common Council of the City of Nyssa, Oregon, by the following vote this 8th day of August 2006. Approved this 8th day of August 2006. (2nd Reading)

Ayes:

Nays:

Absent:

Susan K. Walker, Mayor

ATTEST:

Beth Ann Christensen, City Recorder

ORDINANCE NO.573

AN ORDINANCE PROTECTING THE CITY OF NYSSA'S DRINKING WATER BY INSTITUTING AND ENFORCING A CROSS CONNECTION PROGRAM IN ACCORDANCE WITH OAR 333-61-070, AMENDING ORD. NO. 561

NOW, THEREFORE, THE CITY OF NYSSA DOES ORDAIN:

Section 1: Nyssa City Code Sections 3.01.270 and 3.01.280 are repealed.

Section 2. 3.01.290 CROSS CONNECTION PROGRAM

Section 3. 3.01.291 Definitions.

Air Gap Separation The physical vertical separation between the free-flowing discharge end of a potable water supply pipeline and the open or non-pressure receiving vessel.

Approval or Approved Approved in writing.

Auxiliary Water Supply Any supply of water used upon the premises other than, or in addition to, the supply obtained from the City potable water system.

Backflow The flow in the direction opposite to the normal flow of water from the City system.

Backflow Prevention Assembly Oregon State Health Division approved backflow prevention assembly such as a pressure vacuum breaker, a double-check valve assembly, or a reduced pressure principle assembly, and the attached shutoff valves on the inlet and outlet ends of the assembly as a complete unit.

City Water System Cross connection The potable system of the City of Nyssa. Any unprotected actual or potential connection or structural arrangement

between a public or a consumer's potable water system and any other source or systems 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 system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross-connections.

Division

The Health Division of the Oregon Department of Human Resources.

Double Check
Valve Assembly

An assembly approved by the Oregon State Health Division consisting 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.

Owner

Any person owning a beneficial interest with a right of possession in property served by the municipal water system, any occupant of any premises served by the city water system and any customer or water user of the city water system.

Certified Backflow
Tester

A person who is certified by the Oregon State Health Division Assembly Tester to test backflow assemblies.

Person

Any individual, corporation, association, firm, partnership, municipal state or federal agency, or joint stock company and includes any receiver, special master, trustee, assignee or other similar representative thereof.

Potable Water

Safe drinking water.

Reduced Pressure
Principle Backflow
Prevention Assembly
(R.P.)

An assembly approved by the Oregon State Health Division for preventing backflow which has two check valves, two shut off valves, (one on the upstream side and the other on the downstream side of the check valves), and four test cocks for checking the water-tightness of the check valves and the operation of the relief valve.

Service Connection

The piping connection by means of which water is conveyed from a distribution main of a public water system to a customer's premises. The portion of the service connection which conveys water from the distribution main to the customer's property line, or to the service meter where provided, is owned by and under the jurisdiction of the water supplier.

The City

The city of Nyssa or the city's designee.

Water System

A system for the provision of piped water for human consumption.

Section 4. 3.01.292 Purpose. The purpose of these regulations is to maintain safe drinking water and to comply with OAR Chapter 333, Division 61.

Section 5. 3.01.293 Cross Connections Regulated. No cross connections shall be created, installed, used or maintained within the territory served by the city, except in accordance with these regulations.

Section 6. 3.01.294 Plumbing Code. All current Uniform Plumbing Codes must be maintained.

Section 7. 3.01.295 Backflow Prevention Assembly Requirement. Approved backflow prevention assemblies shall be installed at the expense of the owner, either at the service connection or within the premises, as determined by the city in each of the following circumstances:

- A. If the nature and extent of any activity of the premises, or the materials used in connection with any activity of the premises, or materials stored on the premises, could contaminate or pollute the drinking water supply.
- B. On premises having any one or more cross connections as that term is defined in Section 3.01.291.
- C. Internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.
- D. A repeated history of cross connections being

established or reestablished.

- E. Unduly restricted entry so that inspections for cross connections cannot be made with sufficient frequency or with sufficient notice to assure that cross connections do not exist.
- F. Materials of a toxic or hazardous nature being used such that, if back siphonage should occur, a health hazard could result.
- G. Any mobile apparatus which uses the city water system or water from any premises within the city water system.
- H. On any premise where installation of an approved backflow prevention assembly is deemed to be necessary to accomplish the purpose of these regulations in the judgement of the city.
- I. There is an auxiliary water supply which is, or can be, connected to the potable water piping.
- J. All new construction or change of ownership.

Section 8. 3.01.296. Installation Requirements. To ensure proper operation and accessibility of all backflow prevention assemblies, the following requirements shall apply to the installation of these assemblies.

- A. No part of the backflow prevention assembly shall be submerged in water or installed in a location subject to flooding. If installed in a vault or basement, adequate drainage shall be provided.
- B. Assemblies must be installed at the point of

delivery of the water supply, before any branch in the line, on private property located just inside the property line. Alternate locations must be approved in writing by the city prior to installation.

- C. The assembly must be protected from freezing and other severe weather conditions.
- D. All backflow prevention assemblies shall be of a type and model approved by the State of Oregon Health Division, and shall be at least commensurate with the degree of hazard that exists as determined by the city in accordance with OAR, Chapter 333-61-070 Section 6.
- E. The property owner assumes all responsibility for all maintenance and repairs.
- F. If written permission is granted to install the backflow assembly inside the building, the device shall be readily accessible during regular working hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.
- G. All assemblies shall be installed in accordance with OAR, Chapter 333-61-071.
- H. Upon completion of installation, the city shall be notified and all assemblies must be inspected and tested. All backflow assemblies must be registered with the city. Registration shall consist of date of installation, make, model, serial number of the

backflow assembly, and initial test report.

Section 9. 3.01.297 Access to Premises. Authorized employees of the city, with proper identification, shall have access during reasonable hours to all parts of a premise and within the building to which water is supplied. However, if any owner refuses access to a premise 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, a high hazard will be assumed and a reduced pressure principle assembly will be required to be installed at the service connection to that premise.

Section 10. 3.01.298 Annual Testing and Repairs. All backflow assemblies installed within the territory served by the city water system shall be tested immediately upon installation and at least annually thereafter by a state-certified tester. All such assemblies found not functioning properly shall be promptly repaired or replaced by the owner. If any such assembly is not promptly repaired or replaced, the city may deny or discontinue water to the premise. All repairs are the financial responsibility of the owner. The city will test all assemblies, within the city limits, at no cost to the owner. The city may test those assemblies outside the city limits with the fee being the going rates charged by state certified testers.

Section 11. 3.01.299 Thermal Expansion. It is the responsibility of the property owner to eliminate the possibility of thermal expansion.

Section 12. 3.01.300 Pressure Loss. It is the owners' responsibility for any loss of pressure due to the addition of a backflow assembly.

Section 13. 3.01.301 Cost of Compliance. All costs associated with the purchase, installation, replacement, maintenance, parts and repairs of the backflow assembly are the financial responsibility of the owner.

Section 14. 3.01.302 Termination of Service. Failure on the part of any owner to discontinue the use of all cross connections and to physically separate cross connections is sufficient cause for the immediate discontinuance of public water service to the premises.

Section 15. 3.01.303 Liability. The water user or owner shall be strictly liable for any backflow incident from his premises, and shall pay the costs for any remedial action and any associated claims of injury, medical expense, or long or short term health effects.

Section 16. 3.01.304 Responsibilities. It is the responsibility of all property owners and their renters to abide by the conditions of this Ordinance. In the event of any changes to the plumbing system it is the responsibility of the property owners and their renters to notify the city.

Section 17. 3.01.305 Fire Systems. An approved double-check valve assembly shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use and/or which does not provide for periodic flow-through during each 24-hour period. An RP assembly shall be

installed if any solution other than potable water can be introduced into the sprinkler system.

Section 18. 3.01.306 Constitutionality and Saving Clause. That if any provision, section, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances are for any reason held to be unconstitutional, void, invalid or for any reason unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or circumstances shall not be affected thereby, it being the intent of the City Council of the City of Nyssa in adopting and the Mayor in approving this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, or regulation.

Section 19. Emergency Clause. The Common Council of the City of Nyssa hereby adjudges that it is necessary for the immediate preservation of the peace, health and safety of the said City that this ordinance shall take effect immediately upon its passage and approval, and an emergency is hereby declared to exist and this ordinance will be in full force and effective immediately upon its passage by the Council and its approval by the Mayor.


Passed by the following vote this 12 day of May, 1998.

AYES: Diego Castellanoz, Bob Shuster, Charlie Kitamura

NAYES: Richard Adams and Dave Hixson

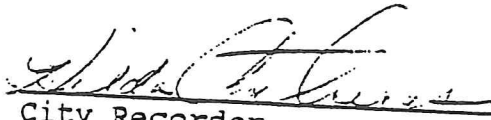
ABSENT: Pat Brewer and Alicia Shell

Approved this 12th day of May, 1998.



Mayor

ATTEST:



City Recorder