

4100844

CITY OF SUBLIMITY

ORDINANCE NO. 346

AN ORDINANCE PROVIDING FOR THE CONTROL OF CROSS-CONNECTIONS WITH THE CITY WATER SYSTEM AND DECLARING AN EMERGENCY.

THE CITY OF SUBLIMITY ORDAINS AS FOLLOWS:

SECTION 1 - DEFINITIONS:

- A) 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.
- B) AWWA: The American Water Works Association.
- C) BACKFLOW OF BACK SIPHONAGE: The flow of water or other fluid or substance or mixture thereof into the domestic water supply system from any source other than the intended source of water supply.
- D) BACKFLOW PREVENTION DEVICE or BACKFLOW PREVENTION DEVICE ASSEMBLY: A backflow prevention device such as a pressure vacuum breaker, a double check valve, or a reduced pressure principle device, and the attached shut-off valves on the inlet and outlet ends of the device assembled as a completed unit.
- E) CHECK VALVE: A valve which allows flow in only one direction.
- F) CROSS CONNECTION: Any actual or potential connection, link, or channel between a domestic water supply system and a pipe or piping system used or intended to be used for some other purpose or between a domestic water supply system and a plumbing fixture, appliance, receptacle, vessel, or other service, or a source other than the intended source of water supply whereby it may be possible for contaminated water or water of questionable or unsafe quality, or fluid substance other than potable water, to enter any part of the domestic water supply system.
- G) DOUBLE CHECK VALVE ASSEMBLY: An assembly of two independently acting check valves with shut-off

valves on each side of the check valves and test cocks for checking the watertightness of each check valve.

H) PUBLIC HEALTH HAZARD: A condition whereby there are sufficient types and amounts of biological, chemical, or physical, including radiological, agents relating to water or sewage which are likely to cause human illness, disorders, or disability. These include, but are not limited to pathogenic viruses, bacteria, parasites, toxic chemicals, and radioactive isotopes.

I) PURVEYOR: Entity supplying water.

J) REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE (R.P. DEVICE): A device for preventing backflow which has two check valves, a differential relief valve located between the 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.

K) SAFE DRINKING WATER: Water which has sufficiently low concentrations of microbiological, inorganic chemical, organic chemical, radiological or physical substances so that individuals drinking such water at normal levels of consumption will not be exposed to disease organisms or other substances which may produce harmful physiological effects.

## SECTION 2 - CROSS-CONNECTIONS PROHIBITED

A) The installation or maintenance of a cross-connection which will endanger the water quality of the potable water supply system of the Purveyor 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 Oregon Administrative Rules for Public Drinking Water System 333-61-005 through 333-61-099.

B) The Public Works Directors shall have the authority to establish requirements more stringent than state regulations if he deems that the conditions so dictate. The purveyor shall adopt rules and

regulations as necessary to carry out the provisions of this ordinance.

C) The Public Works Director is hereby authorized to enforce the provisions of this ordinance in the inspection of existing, new, and remodeled buildings.

### SECTION 3 - USE OF BACKFLOW PREVENTION DEVICES

A) No water service connection to any premises shall be installed or maintained by the Water Purveyor 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 Water Purveyor 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 owner's system shall be open for inspection and tests at all reasonable times to authorized representatives of the Purveyor to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the city shall notify the property owner that the condition must be corrected within 30 days. If the condition is not corrected within 30 days the Director of Public Works may deny or 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) Backflow prevention devices may be required 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 whether 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 Purveyor determines that no hazard exists. See Oregon Regulations for Public Drinking Water Systems 333-61-070.

Hospitals, mortuaries, clinics  
Laboratories  
Metal plating industries  
Sewage treatment plants  
Food or beverage processing plants  
Chemical plants using a water process  
Petroleum processing or storage plants  
Radioactive material processing plants or  
nuclear reactors  
Underground irrigation systems  
Others specified by the Purveyor

D) 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 of 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 or a reduced-pressure-principle backflow prevention device shall be installed.

E) Backflow prevention devices required by this ordinance shall be installed under the supervision of and with the approval of the Purveyor in accordance with "Recommended Installation Practices," Oregon Administrative Rules Chapter 333, Public Water System, as amended.

F) Any protective device required by this ordinance shall be approved by the Director of Public Works.

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

H) It shall be the duty of the customer/user at any premises where backflow prevention devices are installed to have certified inspections and operational tests made at the time of installation and at least once per year. In those instances where the Director of Public Works 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 Director of Public Works. It shall be the duty of the Director of Public Works to see that these timely tests are made. The customer/user shall notify the Director of Public Works in advance when the tests are to be undertaken so that he or his 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 Director of Public Works.

I) 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 4 - CROSS-CONNECTION INSPECTION

A) No water shall be delivered to any structure hereafter built within the City of Sublimity or within areas served by city water until the same has been inspected by the Purveyor for possible cross-connections and has 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 Director of Public Works, 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 Purveyor.

C) Inspections shall be made at the discretion of the Director of Public Works on all buildings, structures, or improvements of any nature now receiving water through the City's system, for the purpose of ascertaining whether cross-connections exist. Such inspections shall be made by the Purveyor.

#### SECTION 5 - FEES

Fees for inspections by the Public Works Director may be set by resolution. Fees for turn-ons and shut-offs shall be in accordance with Sublimity City Ordinance Number 336.

#### SECTION 6 - INSTALLATION PERMITS

If cross-connection control devices are found to be necessary, the owner or designated representative of the property served must apply to the Purveyor for an installation permit. This application shall be forwarded to Marion County for their approval.

#### SECTION 7 - 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-connection.

SECTION 8 - PENALTIES

Violations of this ordinance shall be punishable by a fine not to exceed \$500 as set forth in ORS 448.990.

SECTION 9 - SEPARATE VIOLATIONS

Each day that a violation of this ordinance continues shall constitute a separate violation.

SECTION 10 - REPEAL:

All other City of Sublimity ordinances or parts of ordinances in conflict herewith are hereby repealed.


SECTION 11 - SEVERABILITY:

If any provision, section, sentence or phrase of this ordinance shall for any reason be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment or decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 12 - EMERGENCY:

This ordinance being necessary for the immediate preservation of the public peace, health, safety and welfare, an emergency is declared to exist and this ordinance shall take effect immediately upon its approval by the City Council of the City of Sublimity.

APPROVED this 13th day of April, 1992, by the City Council of the City of Sublimity, Marion County, Oregon.

  
MAYOR

ATTEST:

  
CITY RECORDER

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