

41-00544

City of Mt. Angel, Oregon
ORDINANCE No. 684

RECEIVED
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TECHNICAL SERVICES
DRINKING WATER PROGRAM

AN ORDINANCE PROVIDING FOR THE CONTROL OF CROSS-CONNECTIONS WITHIN THE MUNICIPAL WATER SYSTEM, REPEALING SECTION 16. OF ORDINANCE NO. 604 DECLARING AN EMERGENCY.

WHEREAS, the City of Mt. Angel is required by the terms of rules established by the Oregon Health Division in Oregon Administrative Rules (OAR) Chapter 333 to regulate the possibility of cross-connections between the City's potable water supply and other potential contaminating sources so as to protect said system from contamination

NOW THEREFORE, BASED ON THE FOREGOING THE CITY OF MT. ANGEL ORDAINS AS FOLLOWS:

SECTION 1. DEFINITIONS

As used in this ordinance, the following terms are defined as follows:

- 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 OR BACK SIPHONAGE.** The flow of water or other fluid or substance or mixture into the domestic potable water supply system from any source other than the intended water supply source.
- D. **BACKFLOW PREVENTION DEVICE.** A 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. **CITY.** The City of Mt. Angel, Oregon
- G. **CROSS CONNECTION.** Any actual or potential connection, link or channel between the City's domestic potable water supply system and a pipe or piping system used or intended to be used for some other purpose or between a domestic potable 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, water of questionable/unsafe quality or a substance other than potable water to enter any part of the City's domestic potable water supply system.
- H. **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.

- I. PUBLIC HEALTH HAZARD. A condition where there are amounts of biological, chemical or physical (i.e. radiological) agents which are likely to cause human illness, disorders or disability including (but are not limited to) pathogenic viruses, bacteria, parasites, toxic chemicals and radioactive isotopes.
- J. REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE. A device for preventing backflow which has two check valves, a deferential relief valve located between the two check valves, two shut-off valves, one on the upstream side and the other on 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 micro-biological, 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.
- L. SUPERINTENDENT. The Superintendent of the Mt. Angel Public Works Department or his/her designate.

SECTION 2. CROSS-CONNECTIONS PROHIBITED

- A. The installation or maintenance of a cross-connection which may endanger the quality of City's potable water supply is unlawful and is hereby prohibited. Any such cross-connection now existing or which may be hereafter installed is declared a public nuisance and subject to abatement consistent with the terms of State law and City Code. The City's regulation and control of cross-connections shall be consistent with the terms of Oregon Administrative Rule (OAR) Chapter 333 Division 61.
- B. The Superintendent is hereby authorized to enforce the terms of this Ordinance and may establish requirements more stringent than the State's regulation for cross connections if he/she deems necessary.

SECTION 3 USE OF BACKFLOW PREVENTION DEVICES

- A. No water service connection to any premises shall be installed or maintained by the City unless the City's potable water supply is protected consistent with the terms of this ordinance and state law. Water service to any premises may be discontinued by the City if a required backflow prevention device has been removed, passed by or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- B. An owner's system shall be open for inspection and testing at all reasonable times to determine whether cross-connections or other structural or sanitary hazards (including violations of this Ordinance) exist. When such a condition becomes known, the City shall notify the property owner or customer (if different) that the condition must be

corrected within 30 days. If the condition is not corrected within 30 days the Superintendent may deny or discontinue service to the premises until the owner or customer has corrected the condition(s) consistent with State law and this Ordinance.

C. Backflow prevention devices shall be required (including but not limited to) the following circumstances:

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 or may be handled in such a way that if back siphonage should occur a serious health hazard might result.
7. A back flow prevention device shall be installed at the following facilities or uses unless the City determines no hazard exists:
 - a. Hospitals, Mortuaries, Clinics;
 - b. Dental Offices;
 - c. Laboratories;
 - d. Metal Plating Industries;
 - e. Sewage Treatment Facilities;
 - f. Food or Beverage processing plants;
 - g. Chemical plants using water process;
 - h. Petroleum processing or storage plants; and
 - i. Underground irrigation systems.

The City may require the installation of a backflow prevention device in circumstances other than those listed if, in the opinion of the Superintendent, said circumstances present a threat to the City's potable water supply.

8. The type of protective device required shall depend on the degree of hazard which exists:
 - a. 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, toxic industrial waste or other contaminant that presents a health or system hazard.
 - b. In the case of a substance that may present be nonhazardous but nonetheless objectionable, a double check valve assembly or a reduced pressure principle backflow prevention device shall be installed.

- D. Backflow prevention devices shall be installed under the supervision and approval of the City's Public Works Department through the Superintendent.
- E. All backflow prevention devices shall be furnished, installed, maintained, replaced, repaired and inspected by the property owner or customer at their sole expense.
- F. Any backflow device found to be defective shall be repaired or replaced by the property owner or customer, if different. Failure of a customer or property owner to cooperate in the installation, maintenance, testing, or inspection of backflow prevention device may result in suspension of water service until such time as the matter giving rise to the suspension is resolved such that the City's potable water supply is, in the opinion of the Superintendent, protected.

SECTION 4 – CROSS CONNECTION INSPECTION

- A. No water shall be delivered to any structure hereafter built within the City of Mt. Angel until after an inspection to determine whether there exists at said structure the need for the installation of a backflow prevention device.
- B. Inspections shall be made on all buildings, structures, or improvements of any nature now receiving water through the City's system public potable water supply system.
- C. All inspections of backflow prevention devices shall be performed by tester(s) certified consistent with OAR 333-061-071 (2002). Inspection and test reports shall be sent to the Superintendent a minimum of once a year. The Superintendent may inspections at greater than an annual frequency if he/she reasonably deems that to be necessary. Records of all work done on or to backflow prevention devices in the City (including tests, repairs and replacements) shall be forwarded to and kept by the Superintendent.

SECTION 5 – FEES

Fees associated with the inspection mandated by this Ordinance and OAR Chapter 333 may be established by separate resolution except that fee for water turn-on or shut-offs shall be consistent with those set by Resolution No. 924, Section 4.

SECTION 6 INSTALLATION PERMITS

If cross-connection devices are found to be necessary, the owner or designated representative of the property served shall apply for and receive a plumbing permit prior to the installation.

SECTION 7 – LIABILITY

Nothing in this Ordinance shall be construed to impose on the City a duty to persons or for property such that it is responsible for damage to persons or property by reason of the City's

inspection or testing programs set out herein or due to the failure to inspect or test for either a cross connection or a backflow prevention device.

SECTION 8 – PENALTIES

Violations of this ordinance shall result in a fine not to exceed \$500. Each day that a violation of this ordinance continues shall constitute a separate violation.

SECTION 9 – 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 10 – EMERGENCY

The enactment of this ordinance being required by the terms of regulations established by the Oregon Division of Health and therefore necessary for the preservation of the public's health, safety and welfare, an emergency is hereby declared to exist and this Ordinance shall take effect immediately upon its approval by the City Council.

SECTION 11 – REPEAL

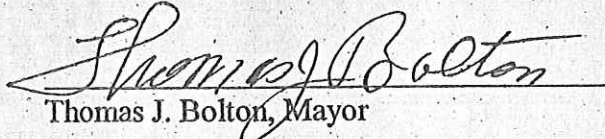
All other ordinances in conflict or inconsistent herewith are hereby repealed.

Passed by the City Council this 6th day of May, 2002, by the following vote:

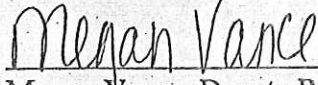
First Reading Ayes: 4 Nays: 0

Second Reading Ayes: 4 Nays: 0

APPROVED BY THE MAYOR, this 10th day of May, 2002.


Thomas J. Bolton, Mayor

ATTESTED BY:


Megan Vance, Deputy Recorder

Filed in the office of City Recorder this 10th day of May, 2002.