

Newberg Water District 41-00557

AN ORDINANCE REGULATING AND PROHIBITING CROSS-CONNECTIONS TO THE WATER SUPPLY OF THE CITY OF NEWBERG; 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; AND DECLARING AN EMERGENCY.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. 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 2. DEFINITIONS.

(1) "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.

(2) "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.

(3) "Backflow Prevention Device" (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.

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

(5) "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 system is supplied. By-pass 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.

(6) "Director" - shall mean the Director of Public Works of the City of Newberg or authorized agent.

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

(5) 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, industrial waste of a toxic nature, or other contaminant which could cause a health or system hazard.
- (b) 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.

(6) Backflow prevention devices required by this ordinance shall be installed under the supervision, and with the approval, of the City.

(7) Any protective device required by this ordinance shall be approved by the Director.

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

(9) It shall be the duty of the customer-user at any premise where backflow prevention devices are installed, except as noted below for residential tests, to have certified inspections and operational tests made at least once per year. In those instances where the Director 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. It shall be the duty of the Director to see that these timely tests are made. The customer-user shall notify the Director in advance when the tests are to be undertaken so that the Director 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 Director.

Residential tests shall be necessary on an annual basis if:

1. There is an existing well on the property.
2. A booster pump is needed to provide pressure to a residence.
3. The Director determines conditions warrant an annual inspection.

(10) No underground sprinkling device will be installed without adequate backflow prevention devices.

(11) 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.

12. All water trucks obtaining water from the Public Water Supply shall fill at the fire hydrant located adjacent to the Fire Station where a backflow prevention device is installed. Upon modification of a water truck as per standard detail supplied by the City, an air gap is provided in the fill line, the Director may approve a fill site closer to the work site.

(1) No water shall be delivered to any structure hereafter built within the City of Newberg or within areas served by City water until the same shall have been inspected by the City for possible cross-connections and have been found free of same and approved.

(2) 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, 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.

(3) Inspections shall be made at the discretion of the Director of all buildings, structures, or improvements for the purpose of ascertaining whether cross-connections exist. Such inspections shall be made by the City.

Section 6. 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 7. PENALTIES. Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any of the provisions of this ordinance or the rules and regulations as adopted by the City, shall be deemed guilty of a civil violation and, upon conviction thereof, shall for each offense be punished by a fine in a sum not exceeding One Thousand Dollars. Each day of continuing violation shall constitute a separate offense.

Section 8. NOW, THEREFORE, it is necessary for the immediate preservation of the public health, peace and safety of the City of Newberg, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

PASSED by the Council of the City of Newberg, Oregon, this 9th day of July, 1984 by the following votes:

Ayes: 5

Nays: 0

Absent: 3


Arvilla Page - City Recorder

APPROVED by the Mayor this 9th day of July, 1984.


Elvern Hall - Mayor

