

City of Shaniko

Ordinance No. 45

AN ORDINANCE REGULATING CROSS CONNECTIONS TO THE SHANIKO WATER SYSTEMS AND ESTABLISHING STANDARDS THEREFORE; PROVIDING PENALTIES FOR VIOLATION; AND OTHER PERTINENT PROVISIONS; AND DECLARE AN EMERGENCY.

THE CITY OF SHANIKO ORDAINS AS FOLLOWS:

Section 1. Designation: This Ordinance shall be referred to and may be designated and cited as the Shaniko Cross Connection Control Ordinance.

Section 2. Purpose: The purpose of this Ordinance shall be to protect that water supply of the City of Shaniko from contamination of pollution due to existing or potential cross connections by establishing appropriate regulations and controls relating thereto, including that installation and proper maintenance of approval backflow and/or siphonage devices.

Section 3. Definitions:

- a) "Approved Backflow Prevention Device" means a device to counteract back pressures and/or prevent back siphonage. Such devices must be approved by the Oregon State Health Division.
- b) "Auxiliary Supply" means any water source or system other than the City's water system that may be available to a particular building or the premises.
- c) "Backflow" means a flow in other than the intended direction of flow of any substance, foreign liquid, gas or otherwise, other than potable water provided by the City, into the City's water system.
- d) "Cross-connection" shall mean any actual or potential connection or structural arrangement, where by, the City's water system are connected directly or indirectly with any other water source or system, public or private, through which is possible to introduce into any part of the City's potable water with which the system is supplied, including any connection with sewer, drain, conduit, swimming pool, storage reservoir, plumbing fixture, swamp cooler or other device through which it is possible to introduce into any part of the water system contaminated water, sewage or other material of unknown or unsafe quality which may be capable of imparting contamination to City's water systems as a result of backflow or otherwise, bypass arrangements, jumper connections, removable sections, swivel or changeover devices or other temporary or permanent devices through which, or because of which, backflow may occur.

- e) "City water system" shall refer to and mean the City of Shaniko system which shall include its wells, pumping stations, reservoirs, supply, trunk or feeder lines, service lines, meters and all other appurtenances, devices lines and things necessary to the operation of the system and to supply water service to individual property or premise and shall include the City's potable water with which the systems are supplies.
- f) "Director of Public Works" shall include and mean the Superintendent of the City Water Bureau.

Section 4. Application and Responsibilities: This Ordinance applies throughout the City of Shaniko and to every premise and property served by the City water system. It applies to any premise water system, public or private. Every owner or occupant of any concerned premise is responsible for compliance with its terms and shall be responsible for any damages incurred as a result of failure to comply with the terms and provisions contained herein. All new water connections shall be required to install an Approved Backflow Prevention Device. Water connections pre-existing to the passage of this ordinance, shall be exempt until such time is required by the City or State.

Section 5. Cross-connections Prohibited: Unless provided specifically herein or specifically approved in writing by the Shaniko City Council, all cross-connections, whether of not they are controlled by automatic devices such as check valves or by hand operated mechanisms such as gate valves or stop cocks are prohibited.

Section 6. Backflow Prevention Device Installation: The owner of each property of premise services and/or furnished water by the City of Shaniko shall be required to install backflow prevention device under the following circumstances:

- a) There is upon said premises an auxiliary water supply which is or can be connected to the City's service or supply systems (including individual premises service plumbing) ;
- b) There is piping or equipment for conveying other than potable City water and that piping or equipment is under pressure and installed and operated in a manner that could cause cross-connection;
- c) There is intricate plumbing which makes it impractical to ascertain whether or not cross-connections exist;
- d) The concerned premises has restricted entry so that inspections for cross-connections cannot be made with sufficient frequency or with sufficient short notice to assure that cross-connections do not exist;
- e) There is fire line or irrigation service or domestic service larger than two inches;
- f) The premises have a repeated history of cross-connections being established or reestablished;
- g) The served premises from time to time may have materials of toxic or hazardous nature which are handled so that if back siphonage should occur a serious health hazard may result;
- h) Premises with the following or similar installation must have a backflow device installed: hot tubs, swamp coolers, dark rooms, swimming pools, solar systems, other uses specified by a Certified Cross-Connections Specialist representing the City;

disconnection, shall be at the expense of the owner of the concerned property and shall be paid in accordance with the City's practice and procedure, and may, if not paid, be collected through legal process or any other appropriate manner approved by law.

Section 9. Pre-existing Backflow Prevention Device: Any backflow prevention device installed before the effective date of this Ordinance, not an approved device as hereinabove set forth, shall be permitted to remain in service if:

- a) The device is properly maintained; and
- b) The type of device is commensurate with the degree of hazard, such determination to be made by the City Water Bureau; and
- c) The device is tested annually as required herein; and
- d) The device performs satisfactorily.

If a backflow device does not meet the standards of the Oregon State Health Division as hereinabove set forth, the device must be replaced if it is removed or requires more than minimum maintenance.

Section 10. Testing Requirements:

1. Any backflow prevention device which may be required to be installed under this Ordinance for the protection of the City's water supply shall be tested before its use in the City and annually thereafter, unless a more frequent testing is required. All tests required to be performed under this section must be performed by a tester certified by the State of Oregon or otherwise approved by the City and written result of such test furnished the City.
2. Any backflow prevention device which may be required by the City or State to be installed on property for the protection of a water supply shall be tested at the time of installation and anytime the device is moved or relocated (immediately after relocating or moving). The property owner must forward the results of such testing to the City within ten (10) days of the date of installation or relocation.
3. The property owner must order and cause to be performed a test of each backflow prevention device annually on or within thirty (30) days after the anniversary date of the initial testing. The City may require more frequent testing in order to assure the device is properly functioning in those installations which represent a serious health hazard as determined by the City or the State Health Division.
4. If the City has not received the results of such test within thirty (30) days of the anniversary date for annual testing or within ten (10) days of the date of installation of the device as the case may be, or the date of the City's discovery that a device was installed without appropriate test as applicable, the City may order such test and bill the property owner for the cost thereof if the device is for protection of a fire service or for a commercial use; if the device is for protection of a domestic service, the City may deny or discontinue water service until satisfactory proof is furnished that the device has been tested and is functioning properly.

- i) Premises on which any substance is handled under pressure so as to permit entry into that public water system, or where a cross-connection could be reasonably expected to occur; this includes the handling of process waters and cooling waters. Such kinds of cleaners include dry cleaners/laundromats, medical clinics, laboratories, car washes, petroleum processing or storage plants, food preparation facilities, other facilities specified by the City's Certified Cross-Connections Specialist.
- j) Backflow prevention devices shall be required on domestic services two inches or smaller if the building is more than two (2) stories or higher than 32 feet above the water main. One (1) or two (2) story buildings which exceed 32 feet in height may be exempt upon determination by the City that no backflow hazard exists.

Section 7. Type of Backflow Prevention Device Required and Location:

1. The type of backflow prevention device required shall be commensurate with the degree of hazard that exists and must meet at all times the standards of the Oregon State Health Division; all backflow prevention devices required under this section shall be of a type and model approved by the Oregon State Health Division.
2. A reduced pressure principle backflow prevention device shall be installed where the water supply may be contaminated by a substance that could cause health or system hazard. This type of device will also be required in any premise where entry is restricted by the water user. A reduced pressure principle backflow will be required at the point of connection between the City water system and any other water system which does not have a cross-connection program.
3. A double-check valve assembly pressure vacuum breaker or a reduced pressure principle backflow device assembly shall be installed where it is possible to interject a substance that may be objectionable, but not hazardous, into the water system.

Section 8. Location and Installation of Backflow Device:

1. The City may specify the location and method of installation of a backflow prevention device. The control or elimination of cross-connection shall be in accordance with Manuals of Standard Practice pertaining to cross-connections control approved by the City, and any requirements set forth by the United States Environmental Protection Agency as authorized by the "Safe Drinking Water Act" PL 93-523 and other applicable legislation, rules and regulations of the United States, the State of Oregon and concerned agencies.
2. Any installation, corrective measure, disconnection or other change to a backflow prevention device shall be at the sole expense of the owner. The cost of any changes required in the City's system outside the property concerned, or between the meter and the supply line or distribution system, or any charges for cut-offs or

5. If the results of a test required by the City as herein set forth indicates that repairs are necessary, such repairs must be undertaken and a new test taken, and the results thereof forwarded to the City within thirty (30) days of the date of the test, indicating the defect was repaired.

Section 11. General Provisions:

1. Any person operating any mobile apparatus which uses the City's water system or water from any premises within the City must provide for backflow prevention and the provisions herein set forth are applicable.
2. All plumbing within buildings served by the City shall be so installed and all plumbing fixtures so constructed as to prevent pollution of the City's water supply by back siphonage or cross-contaminations. Water service to any premises known or found to have such defects and hazards shall be disconnected and not restored until such defects and hazards have been eliminated.

Section 12. Enforcement:

1. The Public Works Superintendent of the City or his duly authorized representative of the State of Oregon Health Division shall have the right without being deemed guilty of trespass or an unlawful act to check the premises of customers for cross-connections (physical connections), physical connections with other water supplies, and the general condition of water lines and service facilities, at any reasonable time. Any such connection prohibited thereby shall be removed by the customer immediately after written notice by the City, and if not so removed, the City shall remove or discontinue any connection it may have for servicing the property.
2. The Superintendent of Public Works will designate City Cross-Connections Specialists and institute, with the approval of the City Council, such additional rules and regulations necessary to carry the provisions of this Ordinance into effect.

Section 13. Penalties: Violation of any provision of this Ordinance, including maintenance of a cross-connection which is prohibited hereby or failure to provide and maintain an approved backflow device or failure to adhere to the backflow device testing schedule herein set forth is punishable upon conviction by a fine not to exceed \$500.00 per violation. Each day that such violation continues shall be considered a separate offense.

Section 14. Emergency Clause: Because the health, safety and welfare of the community, an emergency is declared to exist and this ordinance shall take effect immediately upon its passage and signing by the Mayor and City Recorder.

Ayes 4

Nays 0

Absent 2

Passed this 14th day of March 2006

Goldie Lee Roberts Mayor
Debra J. Holbrook Recorder

SHANKO, City of
41-05384

Web site on system "said" it has
been removed
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