

ORDINANCE NO. 364

AN ORDINANCE AMENDING SISTERS MUNICIPAL CODE SECTIONS 13.40.010 TO 13.40.090 CONCERNING CROSS-CONNECTION, BACK FLOW TESTING, AND DECLARING AN EMERGENCY.

The city council of the City of Sisters, Oregon hereby ordains as follows (words in *italics* are added and words ~~struck through~~ are deleted):

SECTION 1:

Municipal Code Section 13.40.010 to 13.40.090 are amended to read as follows:

13.40.010 Definition of a Cross-Connection. Any physical arrangement whereby the public water supply is connected directly or indirectly with any nonpotable or unapproved water supply system, sewer, drain, conduit, *irrigation system*, pool, storage reservoir, plumbing fixture or other device which contains, or may contain, contaminated water, liquid, gases, sewage or other waste of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow.

13.40.020 Customer's Responsibility.

(1) If a cross-connection is found in the customer's water system, ~~he~~ *the customer* will be informed of this condition in writing and given sixty (60) days to correct the problem or install an approved backflow prevention device. If ~~he~~ *the customer* does not comply within the sixty (60) days, ~~his~~ *the* water *service* will be subject to being discontinued. Service will not be *reestablished* ~~established~~ until satisfactory proof is furnished that the cross-connection has been completely and permanently severed, or that an approved backflow protection device has been installed. If a cross-connection is found, within the opinion of the utility, to endanger the system, the service shall be discontinued immediately and not restored until the situation is corrected.

(2) *The City or the City's designee shall test each residential backflow protection device on an annual basis. All costs for the annual test, including any administrative cost, shall be paid by the customer. The fee for the annual test shall be set by the City Council by Resolution. That fee shall be included in the customer's monthly water bill the month following the annual backflow protection device test.*

(3) *The owner of any non-residential property (including mixed use commercial or industrial)* ~~It shall be the duty of the owner of the property at any premises where backflow protection devices are installed,~~ *shall have the backflow protection devices to have them* inspected and tested at least once *each twelve months or, at the discretion of the City,* ~~a year or~~ more often in those instances where successive inspections and tests indicate failure. ~~The~~ *Those* inspections and tests shall, ~~at the expense of the owner of the property,~~ be performed by a

certified backflow device tester. *The cost of the inspections and tests shall be paid for by the property owner. The property owner shall provide the City with a copy of all inspection and test results within 10 days of the inspection or test.*

~~13.40.030 Responsibility of Certified Backflow Device Tester. It shall be the responsibility of the backflow device tester to submit records of such test to the City.~~

13.40.040 Backflow Prevention Device Installation. Backflow prevention devices shall be installed whenever the following conditions exist:

(1) On any premises where there is an auxiliary water supply which is not of safe bacteriological quality and which is connected to the customer's system, the potable water system shall be protected by an approved airgap separation or an approved reduced pressure backflow prevention device. A double-check valve assembly may be used if the auxiliary water is of proven safe bacteriological quality.

(2) On any premises where there is any material dangerous to health which is handled in such a fashion as to permit entry into the potable water system, it shall be protected by an approved airgap separation or an approved reduced pressure backflow prevention device. If on premises, protection is desirable to protect the health of those persons on the premises, a pressure vacuum breaker may be used.

(3) On any premises where a substance that would be objectionable but not hazardous to health, if introduced into the potable water system, shall be protected by an approved double-check valve assembly or an approved pressure vacuum breaker.

(4) Irrigation systems shall be protected by approved atmosphere or pressure vacuum breaker or double-check valve assemblies, except when fertilizers or other toxic substances are introduced through the irrigation system, an airgap or reduced pressure backflow prevention device shall be used.

13.40.050 Approval of Backflow Devices. All backflow prevention devices used shall be a model approved by the Oregon Department of Human Resources, State Health Division and installed in accordance with the manual of cross-connections control and the Pacific Northwest Section, the American Water Works Association Manual. All installations shall be approved by the City of Sister's Public Works Director or authorized agent appointed by the City Administrator.

13.40.060 New Construction. Where possible, a plan check should be made prior to construction to determine the degree of hazard and the class of backflow prevention device, if any, required at the point of delivery from the public potable water system to a consumer's premises. Where adequate plans and specifications are not available and no realistic evaluation of the proposed water uses can be determined, the consumer, architect, engineer or other authorized person should be advised that eventually circumstances may require the installation of

maximum backflow protection at the water service connection.

13.40.070 Cross-Connection Inspections.

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

(2) The customer's system shall be open for inspection at all reasonable times to authorized representatives of the City to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such conditions become known, the Director shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition in conformance with state and City laws relating to plumbing and water supplies. All inspections as stipulated in this section shall be made by and at the expense of the City.

(3) Any authorized employees of the City shall have free access at proper hours of the day to all parts of buildings or premises for the purpose of inspecting the condition of the pipes, fixtures and other appurtenances and the manner in which the water is being used.

(4) If access to the premises is refused, the City shall discontinue water service to the premises.

13.40.080 Liability. Nothing herein shall not be construed to hold the City responsible for any damage to persons or property by reason of inspection or testing or the failure to inspect or test.

13.40.090 Penalties.

(1) A person who fails to install or provide for the testing of a backflow prevention device or who violates any provision of this code, or who fails to comply with an order thereunder, shall severally for each violation and noncompliance be guilty of a code violation. The imposition of one penalty for a violation shall not excuse the violation or permit it to continue. Addition, each day the violation continues constitutes a separate violation.

(2) Any person who is in violation of Sections 13.30.020 - 13.30.070 of this Code shall be required to correct or remedy such violation or defect. The application of the above penalty shall not prevent the enforced removal of prohibited conditions; and in addition to other remedies, the City may file an action to enforce this Ordinance.

(3) Any person who is in violation of Sections 13.30.020 - 13.30.070 may have the City discontinue water services of any such person who refuses or fails to comply with the provisions of 13.30.020 - 13.30.070.

(4) Any person, firm or corporation who violates, disobeys, neglects or opposes the

effect of any of the provisions of 13.30.020 - 13.30.070 shall, upon conviction thereof before the Municipal Judges, be fined not to exceed \$100 for each violation or imprisonment in jail not to exceed thirty (30) days for each violation or may be both fined and imprisoned, not to exceed the amount and time provided in this section.

SECTION 2:

The City Council finds that the protection of the City's domestic water system is of critical importance to the public, that annual testing of all required backflow devices is a necessary part of preserving the safety of the domestic water supply, and that to maintain the consistency of the testing that these tests should be conducted through the City of Sisters. The City Council further finds that for the preservation of the health and safety of the city residents, this ordinance should take effect immediately. Therefore, the City Council hereby declares an emergency, and this ordinance shall become effective on the date of passage.

PASSED BY THE CITY COUNCIL and APPROVED by the Mayor of the City of Sisters, this 22nd day of March, 2007.

Mayor

ATTEST:

City Recorder