

**ORDINANCE NO. 470****AN ORDINANCE PROVIDING FOR THE CONTROL OF CROSS-CONNECTIONS WITH THE CITY WATER SYSTEM.**

**The city of Madras, Oregon, ordains as follows:**

**Section 1. Definitions.**

(a) "Air Gap Separation" means 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) "Approval" or "Approved" means approved in writing.

(c) "Auxiliary Water Supply" means any supply of water used upon the premises other than, or in addition to the supply obtained from the city potable water system.

(d) "AWWA" means the American Water Works Association.

(e) "Backflow" means the flow in the direction opposite to the normal flow of water from the city system.

(f) "Backflow Prevention Device" or "Backflow Prevention Device Assembly" means Oregon State Health Division approved backflow prevention device such as a vacuum breaker, pressure vacuum breaker, a double check valve assembly, or a reduced pressure principle device assembly, and the attached shut-off valves on the inlet and outlet ends of the device assembled as a complete unit.

(g) "Check Valve" means a valve which allows flow in only one direction.

(h) "City Water System" shall mean the potable water system of the city of Madras.

(i) "Cross Connection" means any link or channel between the piping which carries drinking water and the piping or fixtures which carry other water or other substances.

(j) "Division" means the Health Division of the Oregon Department of Human Resources.

(k) "Double Check Valve Assembly" means an assembly approved by the Oregon State Health Division consisting of two independently acting check valves with shut-off valves on each side of the check valves and test cocks for checking the water-tightness of each check valve.

(l) "Owner" means any person owning a beneficial interest with a right of possession in property served by the municipal water system, any occupant of any premises served by the city water system and any customer or water user of the city water system.

(m) "Person" includes any individual, corporation, association, firm,

partnership, municipal, state or federal agency, or joint stock company and includes any receiver, special master, trustee, assignee or other similar representative thereof.

(n) "Potable Water" means safe drinking water.

(o) "Public Works Director" means the public works director for the city of Madras or the public works director's designee.

(p) "Reduced Pressure Principle Backflow Prevention Device (R.P. Device)" means a device approved by the Oregon State Health Division 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.

(q) "Service Connection" means the piping connection by means of which water is conveyed from a distribution main of a public water system to a customer's premises. The portion of the service connection which conveys water from the distribution main to the customer's property line, or to the service meter where provided, is owned by and under the jurisdiction of the water supplier.

(r) "Water System" means a system for the provision of piped water for human consumption.

## **Section 2. Cross-Connection Control Requirements.**

(a) Whenever a water user or the owner of the premises obtaining water from the city water system treats the water in any way or adds any chemical or substance to the water, and such treated water is susceptible to a backflow, such person shall immediately notify the public works director.

(b) Backflow prevention device assemblies for protecting the city water system shall be installed on the owner's side of the service connection to premises where an approved air gap does not exist when there is an auxiliary water supply which is connected to the potable water piping; or

(1) There is intricate plumbing which makes it impractical to ascertain whether or not cross-connections exist; or

(2) There is unprotected back-siphonage potential; or

(3) Unprotected cross-connections exist; or

(4) There is an auxiliary water supply which could be connected to the potable water piping, or potential cross-connections exist unless all of the following requirements are met:

(a) The owner(s) makes written request for a variance.

(b) The owner(s) has signed an affidavit stating that there is no cross-connection with the city water system, and that if ownership of the property changes, the new owner(s) will install the required device unless the new owner(s) obtains a variance prior to receiving water from the city.

(c) The owner(s) has obtained an inspection of the plumbing by the public works director, and the public works director has approved the variance, in writing, setting forth any reasonable requirement for protecting the safety and integrity of the city water system.

Should the public works director deny the variance, the owner(s) may, within sixty (60) days, submit a written appeal to the Public Works Committee and request a hearing. Upon hearing the appeal, the Public Works Committee shall either grant a variance subject to whatever conditions it may require, or deny the variance.

Should the Public Works Committee deny the variance, the owner(s) may, within thirty (30) days submit a written appeal to the city council and request a hearing. Upon hearing the appeal, the city council shall either grant the variance subject to whatever conditions it may require, or deny the variance. The decision of the city council shall be final.

[Section 2 amended by Ordinance No. 471, passed February 27, 1990.]

**Section 3. Notices.** Any notice required or permitted under this ordinance shall be deemed given upon mailing to the address of the premises served or to the billing address of the water user listed with the city water department.

**Section 4. Discontinuance of Service (Shut-Off).** The public works director may shut off the water service to any premises when:

(a) A violation of this ordinance continues after the expiration of any notice period provided under this ordinance; or

(b) Immediately, upon determination that an emergency exists or that a substantial hazard exists due to the potential for backflow of hazardous substances; or

(c) Immediately upon the refusal of any water user or owner of premises to permit inspection, or if the public works director is unable to contact the water user or owner to arrange for an inspection, and has given notice of such request prior to shutting off the water service.

**Section 5. Inspections.** All water users and owners of premises served by the city water system shall permit inspections by the public works director, at such times as the public works director may designate, for purposes of determining whether the water user or owner is in compliance with this ordinance.

**Section 6. Penalties.** Violation of this ordinance shall be punishable by a fine not to exceed \$300.

**Section 7. Separate Violations.** Each day that a violation of this ordinance continues shall constitute a separate violation.

**Section 8. Constitutionality and Saving Clause.** If any clause, sentence, paragraph, section, article or portion of this ordinance shall, for any reasons, be adjudged invalid or unenforceable by a court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.

**Section 9. Liability.** The water user or owner shall be strictly liable for any backflow incident from his premises, and shall pay the costs for any required remedial action and any associated claims of injury, medical expense, or long or short term health effects.

**Section 10. Emergency Clause.** The control and elimination of cross-connections and the installation of backflow prevention devices is important for protecting the health and well-being of the city of Madras and the lack of a proper backflow prevention device could result in a danger to the health, welfare, and well-being of the citizens of the city of Madras, an emergency is declared to exist. This ordinance shall come into full force and effect immediately upon its passage by the common council of the city of Madras.

Passed by the council and approved by the mayor September 12, 1989.