

ORDINANCE NO. 915

AN ORDINANCE ADDING CHAPTER 13.05 TO TITLE 13 OF THE MUNICIPAL CODE OF THE CITY OF PAYETTE, IDAHO, PROHIBITING CROSS-CONNECTIONS TO WATER SUPPLY SYSTEMS OF THE CITY OF PAYETTE; DECLARING SUCH CROSS-CONNECTIONS TO BE A NUISANCE AND PROVIDING FOR THE ABATEMENT THEREOF; PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED By the Mayor and Council of the City of Payette, Idaho, that Chapter 13.05 of Title 13 be added to the Municipal Code of the City of Payette, Idaho, as follows:

13.05.010 PURPOSE. The purpose of this Ordinance is to protect the public health of water consumers by the control of actual and/or potential cross-connections.

13.05.020 DEFINITIONS. Whenever used in this Ordinance, unless the context otherwise indicates, the term:

(A) "Backflow" shall mean the flow of nonpotable water, liquids, gases, or other foreign substances into the pipes of a potable water system from any source or sources.

(B) "Backflow Prevention Device" shall mean a device to counteract back pressure or prevent back siphonage.

(C) "City" shall mean the City of Payette, Idaho, or its authorized agent.

(D) "Contaminant" shall mean any physical, chemical, biological, or radiological substance or matter in water which may be deleterious to health and/or quality of water.

(E) "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.

(F) "Cross-connection: shall mean any 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 used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which "backflow" can or may occur are cross-connections.

(G) "Consumer" shall mean any person served by a Public Water System.

(H) "Department" shall mean the Idaho State Department of Health and Welfare or an authorized representative of the Department of Health and Welfare.

(I) "Director" shall mean the Director of the Department of Health and Welfare or his designee.

(J) "Health Officer" shall mean the Idaho Department of Health and Welfare's district health officer, or other authorized agent of the Department.

(K) "Public Water Supply" shall mean any system or water supply including all mains, pipes, and structures through which water is obtained and distributed, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water to the general public for human consumption or general domestic use.

(L) "Water and Sewer Superintendent" shall mean a duly appointed person as designated by the City of Payette or his designated agent.

13.05.030 CROSS-CONNECTIONS. No water service connection to any premises shall be installed or continued in use by the City unless the water supply is protected by backflow prevention devices as may be required by this Ordinance and Section 1-8306 of the Idaho Regulations for Public Drinking Water. The installation or maintenance of a cross-connection which will endanger the water quality of the potable water supply of the City of Payette shall be unlawful and is prohibited. Any such cross-connection now existing or hereafter installed is hereby declared to be a public nuisance and the same shall be abated. The control or elimination of cross-connections shall be in accordance with this Ordinance and Section 1-8306 of the Idaho Regulations for Public Drinking Water, together with the latest addition of appropriate manuals of standard practice pertaining to cross-connection control approved by the Department. The City shall have the authority to establish requirements more stringent than state regulations if they deem that the conditions so dictate. The City shall adopt rules and regulations as necessary to carry out the provisions of this Ordinance.

13.05.040 USE OF BACKFLOW PREVENTION DEVICES.

(A) Backflow prevention devices shall be installed on any premises at the point on the premises where the consumer connects to the Public Water Supply System or within any premises where, in the judgement of the City, the nature and extent of the activities, or the materials stored on the premises, would present an immediate and dangerous hazard to health and/or deleterious to the quality of the water should a cross-connection occur; even though such cross-connection does not exist at the time the backflow prevention devices shall be installed under circumstances including but not limited to the following:

(1) Premises having an auxiliary water supply, unless the quality of the auxiliary supply is in compliance with State of Idaho Title 1, Chapter 8, Idaho Regulations for Public Drinking Water and is acceptable to the City.

(2) Premises having internal cross-connections that are not correctible, or intricate plumbing arrangements which make it impracticable to ascertain whether or not cross-connection 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 repeated history of cross-connections being established or re-established.

(5) Premises, on which any contaminant is handled under pressure so as to permit entry into the Public Water Supply, or where 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 handled in such a way that if back siphonage should occur, a serious health hazard might result.

(7) The following types of facilities will fall into one of the above categories where a backflow prevention device is required to protect the Public Water Supply. A backflow prevention device shall be installed at these facilities unless the City and Department determine that no hazard exists:

- (a) Sewage treatment plants;
- (b) Chemical or other industrial plants;
- (c) Agricultural chemical storage, formulations and distribution facilities;
- (d) Petroleum storage facilities;
- (e) Mortuaries;
- (f) Hospitals;
- (g) Piers and docks;
- (h) Laboratories;
- (i) Food processing plants;
- (j) Tank truck fill stations;
- (k) Car Washes;
- (l) Other facilities specified by the Director or the City.

(B) The type of protective device required shall depend on the degree of hazard which exists.

(1) In cases where testing and repair of mechanical devices is not possible an air gap separation shall be required.

(2) An air gap separation or reduced pressure principle backflow prevention device shall be required where the water system may be contaminated with sewage or other hazardous or toxic substances which may have an effect on the health of the consumer.

(3) A double check valve assembly, an air gap separation, or a reduced pressure principle backflow prevention device shall be installed where the water system may be contaminated with a substance which may be aesthetically objectionable but not hazardous to the health of the consumer.

(C) Backflow prevention devices required by this Ordinance shall be installed at the meter, at the property line of the premises when meters are not used, or at a location designated by the City. The device shall be located so

as to be readily accessible for maintenance and testing, and furthermore, where no part of the device will be submerged.

(D) Backflow prevention devices required by this Ordinance shall be installed under the supervision of, and with the approval of, the Water and Sewer Superintendent or his designee.

(E) Any protective device required by this Ordinance shall be a model approved by the Director. A double check valve assembly or a reduced pressure principal backflow prevention device will be approved if it has successfully passed performance tests of the University of Southern California Engineering Center or other testing laboratories satisfactory to the City and the Director. These devices shall be furnished and installed by and at the expense of the customer.

(F) Backflow prevention devices installed pursuant to this Ordinance shall be inspected and tested periodically. Inspection and testing intervals shall be in conformance with time periods specified in the City Cross-Connection and Backflow prevention program. Inspections, tests and maintenance of backflow prevention devices shall be at the customer's expense. Whenever the devices are found to be defective, they shall be repaired or replaced at the customer's expense. Inspections, tests, repairs and records thereof shall be accomplished under the City's supervision.

(G) Failure of a customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this Ordinance and Section 1-8306 of the Idaho Regulations for Public Drinking Water, shall be grounds for the termination of water service to the premises, or, in the alternative, the installation of an air-gap separation or other device at the customer's expense.

#### 13.05.050 CROSS-CONNECTION INSPECTION.

(A) No water shall be delivered to any new facility cited in Section 4 (1) of this Ordinance within areas served by city water until the same shall have been inspected by the City for possible cross-connections and been approved as being free of same.

(B) Any construction for industrial or other purposes which are cited in Section 13.05.040 (A) (7) of this Ordinance, where it is reasonable to anticipate 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.

(C) Inspections shall be made periodically of all facilities cited in Section 13.05.040 (A) of this Ordinance receiving water through the City's system, for the purpose of ascertaining whether cross-connections exist. Such inspections shall be made by the City.

13.05.060 INSTALLATION PERMITS. If cross-connection control device(s) are found to be necessary, the owner of the property served must apply to the

City for a specific installation permit.

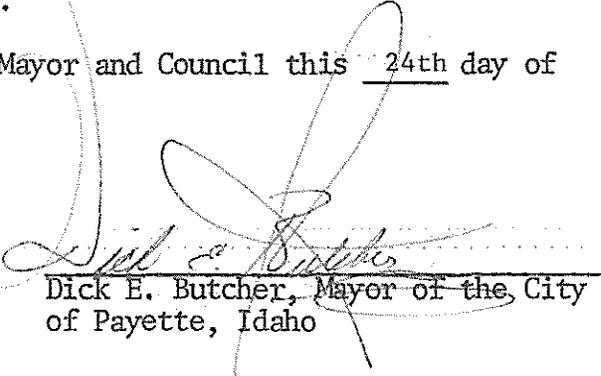
13.05.070 ADDITIONAL REMEDIES. In the event an improper cross-connection is not corrected within the time limit set by the City, or, in the event the City is refused access to any property for the purpose of determining whether or not cross-connections exist; delivery of water to the property shall cease until the deficiency is corrected to the City's satisfaction. In addition, the City may effect the necessary repairs or modifications at the expense of the property owner and refuse delivery of water to the property until the cost thereof shall have been paid.

13.05.080 VIOLATIONS AND PENALTIES. Any person who violates, disobeys, omits, neglects, 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 to carry out the provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall for each offense be punished by a fine in any sum not exceeding THREE HUNDRED AND NO/100 DOLLARS (\$300.00) or imprisonment for a term none exceeding six (6) months, or by both such fine and imprisonment.

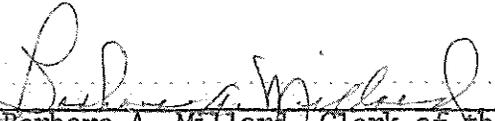
13.05.090 SEVERABILITY. If any one or more sections, sub-sections or sentence of this Ordinance are for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the same shall remain in full force and effect.

That this Ordinance shall take effect and be in force from and after its publication in the Independent Enterprise, a newspaper of general circulation in the City of Payette, Idaho.

PASSED and APPROVED By the Mayor and Council this 24th day of July, 1980.

  
Dick E. Butcher, Mayor of the City of Payette, Idaho

ATTEST:

  
Barbara A. Millard, Clerk of the City of Payette, Idaho