

ORDINANCE NO. 98-07

AN ORDINANCE ADOPTING A MODEL ORDINANCE FOR THE CONTROL OF BACKFLOW AND CROSS CONNECTIONS FOR THE MUNICIPAL WATER SYSTEM OF THE CITY OF WENDOVER, TOOELE COUNTY, UTAH.

Preamble

A. The City of Wendover, Tooele County, Utah is authorized by Utah Code Annotated Title 10, Chapter 8, and by other provisions of law to enact rules and regulations governing the use of its water system.

B. Agencies of the State of Utah in conjunction with promulgators of uniform codes relating to water systems have prepared and proposed a Model Backflow and Cross Connection ordinance.

C. The City has reviewed the proposed Model Backflow and Cross Connection ordinance, and deems it in the best interest of the City to adopt the same, with revisions designed to meet the special needs of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WENDOVER, TOOELE COUNTY, UTAH AS FOLLOWS:

Section 1. Adoption of Ordinance. An Ordinance regulating backflow and cross connections for the water system of the City is adopted, to read in its entirety as set forth in Exhibit "A."

Section 2. Penalty and Remedies. In addition to any remedies described in the ordinance attached as Exhibit "A," any person who violates the requirements of this Ordinance shall be guilty of a Class B misdemeanor, and subject to the penalties provided by law. The City is authorized to initiate a civil action to enforce the provisions hereof. In the event a civil action is filed to enforce the provision of this Ordinance, the City shall be entitled to recover its costs and attorney's fees.

Section 3. Severability. If any section, paragraph, clause or provision of this ordinance shall be held invalid, unlawful or unenforceable, the same shall not effect the validity or enforceability of the remaining provisions of this Ordinance.

City of Wendover, Utah
Excavation Permit Ordinance

Section 5. Effective Date. This ordinance shall become effective immediately upon passage by the governing body and execution by the Mayor and City Recorder.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WENDOVER, TOOELE COUNTY, UTAH THIS 3rd DAY OF July, 1998.

THE CITY OF WENDOVER

BY:



KENT PETERSON
MAYOR

ATTEST:



MARGARET WHEELER
CITY RECORDER

EXHIBIT "A"

MODEL ORDINANCE
FOR THE
CONTROL OF BACKFLOW AND CROSS CONNECTIONS

SECTIONS 1. CROSS CONNECTION CONTROL - GENERAL POLICY

1.1 Purpose of Ordinance:

- 1.1.1 The purpose of this ordinance is: a) To protect the quality of water within the public drinking water supply of The City of Wendover from the possibility of contamination or pollution, and b) to comply with the State of Utah Public Drinking Water Rules, Section R309-102-5; and,
- 1.1.2 To promote the reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping systems(s) of the consumer, as required by the plumbing regulations to assure water system safety; and,
- 1.1.3 To provide for the administration of a continuing program of backflow prevention which will systematically examine risk and effectively prevent the contamination or pollution of the drinking water system.

1.2 Responsibility: Drinking Water Purveyor

- 1.2.1 The City of Wendover shall be responsible for the protection of the drinking water system from the conditions leading to the possible contamination or pollution of the drinking water system due to the backflow of contaminants or pollutants into the drinking water supply.
- 1.2.2 Drinking water system surveys/inspections of the consumer's water distribution systems(s) shall be conducted or caused to be conducted by individuals deemed qualified by and representing The City of Wendover. Survey records shall indicate compliance with the state of Utah administrative rules. All such records will be maintained by The City of Wendover.
- 1.2.3 The City of Wendover shall schedule and notify in writing, all consumers of the need for the periodic system survey to insure compliance with existing applicable minimum health and safety standards.
- 1.2.4 The appropriate backflow prevention devices shall be identified as a result of the system survey.

1.3 Responsibility: Consumer

- 1.3.1 To comply with this ordinance as a term and condition of water supply and consumer's acceptance of service is admittance of his/her awareness of his/her responsibilities as a water system user.
- 1.3.2 It shall be the responsibility of the consumer to purchase, install, and arrange and pay for testing a maintenance of any backflow prevention device/assembly required to comply with this ordinance. Failure to comply with this ordinance shall constitute grounds for discontinuation of service.

1.4 Responsibility: Plumbing Official

1.4.1 The plumbing official's responsibility to enforce the applicable sections of the plumbing code begins at the point of service (downstream or consumer side of the meter) and continues throughout the length of the consumer's water system.

1.4.2 The plumbing official will review all plans and installations to ensure that unprotected cross connections are not an integral part of the consumer's water system. If a cross connection cannot be eliminated, it must be protected by the installation of an air gap or an approved backflow prevention device/assembly, in accordance with the Uniform Plumbing Code.

1.5 Responsibility: Certified Backflow Technician, Surveyor, or Repair Person

1.5.1 The certified backflow technician, surveyor, or repair person (whether employed by the consumer or The City of Wendover to survey, test, repair, or maintain backflow prevention assemblies) will have the following responsibilities:

1. Insuring that acceptable testing equipment and procedures are used for testing, repairing, or overhauling backflow prevention assemblies.
2. Make reports of such testing and/or repairs to the consumer and The City of Wendover on forms approved by the Division of Drinking Water.
3. Include the list of materials or replacement parts being used on the reports.
4. Ensure that replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
5. Not changing the design, material, or operational characteristics of the assembly during testing, repair, or maintenance.
6. Performing all tests of the mechanical devices/assemblies and shall be responsible for the competence and accuracy of all tests and reports.
7. Ensure that his/her license is current, the testing equipment being used is acceptable to the state of Utah, and is in proper operating condition.
8. Being equipped with, and competent to use, all necessary tools, gauges, and other equipment necessary to properly test and maintain backflow prevention assemblies.
9. Tagging each double check valve, pressure vacuum breaker, reduced pressure backflow assembly, and high hazard air gap, and showing the serial number, date tested, and by whom. the certified technician's license number must also be on the tag.

1.5.2 Responsibility: Repair of Backflow Assemblies

In the case of a consumer requiring an assembly to be tested, any currently certified backflow technician is authorized to make the test and report the results to the consumer and the water purveyor. If any commercially tested assembly is in need of repair, the Construction Trade License Act, Title 58, Chapter 55-2-(21), requires a licensed plumber to make actual repairs on any assembly within a building.

SECTION 2. DEFINITIONS

2.1 **Water Purveyor** - The water department of The City of Wendover, is vested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this ordinance.

2.2 **Approved Backflow Assembly** - An assembly accepted by the Utah State Department of Environmental Quality, Division of Drinking Water, as meeting an applicable specification or as suitable for the proposed use.

2.3 **Auxiliary Water Supply** - Any water supply on or available to the premises other than the purveyor's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public portable water supply or any natural source(s) such as a well, spring, river, stream, etc., or "used waters" or "industrial fluids." These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have authority for sanitary control.

2.4 **Backflow** - The reversal of the normal flow of water caused by either back-pressure or back-siphonage.

2.5 **Back-Pressure** - The flow of water or other liquids, mixtures, or substances from a region of high pressure to a region of lower pressure into the water distribution pipes of a potable water supply system from any source(s) other than the intended source.

2.6 **Back-Siphonage** - The flow of water or other liquids, mixtures, or substances under vacuum conditions into the distribution pipes of a potable water supply system from any source(s) other than the intended source, caused by the reduction of pressure in the potable water system.

2.7 **Backflow Prevention Assembly** - An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Uniform Plumbing Code, Chapter 10, Section 1003, and in the Cross Connection Control Program of Utah maintained by the Division of Drinking Water.

2.8 **Contamination** - A degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds, or other materials that may create a health hazard.

2.9 **Cross Connection** - Any physical connection or arrangement of piping or fixtures which may allow non-potable water or industrial fluids or other material of questionable quality to come into contact with potable water inside a water distribution system. This would include temporary conditions, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multi-port tubes or other plumbing arrangements.

2.10 **Cross Connection - Controlled** - A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

2.11 **Cross Connection - Containment** - The installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find, permanently eliminate or control all actual or potential cross connections within the customer's water distribution system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of the cross connection (isolation).

SECTION 3. REQUIREMENTS

3.1 **Policy:**

3.1.1 No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state laws, regulations, codes, and this ordinance. Service of water to a consumer found to be in violation of this ordinance shall be discontinued by the water purveyor after written notification of violation and an appropriate time interval of ~~five (5)~~ ^(Thirty) days for voluntary compliance, if:

1. A backflow prevention assembly required by this ordinance for the control of backflow and cross connections is not installed, tested, and maintained, or
2. If it is found that a backflow prevention assembly has been removed or bypassed, or
3. If an unprotected cross connection exists on the premises, or
4. If the periodic system survey has not been conducted.

Service will not be restored until such conditions or defects are corrected.

3.1.2 The customer's system(s) shall be open for inspection at all reasonable times to authorized representatives of the water purveyor to determine whether cross connections or other structural or sanitary hazards exist (including violation of this ordinance), and to audit the results of the required survey (Utah Administrative Code R309-102-5).

3.1.3 Whenever the public water purveyor deems that a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system, at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.

3.1.4 The type of protective assembly required under Subsection 3.1.3 shall depend upon the degree of hazard which exists at the point of cross connection (whether direct or indirect), applicable to local and state requirements or resulting from the required survey.

- 3.1.5 All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under Subsection 3.1.6, be excluded from the requirements of these rules so long as the water purveyor is assured that they will satisfactorily protect the public water system. Whenever the existing unit is moved from the present location, or requires more than minimum maintenance, or when the water purveyor finds that the operation of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly that meets all local and state requirements.
- 3.1.6 It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys/inspections and operational test made at least once per year at the consumer's expense. In those instances where the public water purveyor deems the hazard to be great, he/she may require certified surveys/inspections and tests at a more frequent interval. It shall be the duty of the purveyor to see that these tests are made according to the standards set forth by the State Department of Environmental Quality, Division of Drinking Water.
- 3.1.7 All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.
- 3.1.8 No backflow prevention assemblies shall be installed so as to create a safety hazard.
Example: Installed over an electrical panel, steam pipes, boilers, or above ceiling level.

3.2 **Violations of this Policy:**

If violations of this ordinance exist or if there has not been any corrective action taken by the consumer within ~~ten~~ (30) days of the written notification of the deficiencies noted within the survey or test results, then the water purveyor shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition(s) in conformance with all state and local regulations and statutes relating to plumbing, safe drinking water suppliers, and this ordinance.
