

ORDINANCE NO. 215

AN ORDINANCE PROHIBITING CROSS-CONNECTIONS TO THE WATER SUPPLY SYSTEM OF THE CITY OF MALAD, IDAHO; PROVIDING DEFINITIONS; DECLARING SUCH CROSS-CONNECTION TO BE A NUISANCE AND PROVIDING FOR THE ABATEMENT THEREOF; PROVIDING FOR USE OF BACKFLOW PREVENTION DEVICES; PROVIDING FOR CROSS-CONNECTION INSPECTION; PROVIDING FOR INSTALLATION PERMITS; PROVIDING ADDITIONAL REMEDIES; PROVIDING FOR VIOLATIONS AND PENALTIES THEREFOR; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith, AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MALAD, IDAHO:

Section 1: PURPOSE AND SCOPE.

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

Section 2. DEFINITIONS.

(1) "Backflow" - The flow, other than the intended direction of flow, of any foreign liquids, gases or substances into the distribution system of a public water supply.

(2) "Backflow Prevention Device" - A device to counteract back pressure or prevent back siphonage.

(3) "Contamination" - 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.

(4) "Cross-Connection" - Any physical arrangement whereby a public water supply is connected, directly or indirectly with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device which contains or may contain contaminated water, sewage or other waste or liquids of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow.

(5) "Director" - The Director of the Department of Health and Welfare, or his authorized agent.

(6) "Engineer" - City Engineer of Malad, who shall be a registered Professional Engineer in the State of Idaho.

(7) "Health Officer" - The Central District Health Officer, or his authorized agent.

(8) "Regulations" - The Idaho Regulations for Public Drinking Water Systems, November 1977, Division of Environment, Department of Health and Welfare and as may be subsequently amended or modified.

(9) "Public Water Supply" - Any system or water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution.

facilities, where water is furnished to any collection or number of individuals, or is made to the public for human consumption or domestic use.

- (10) "Purveyor" - The City of Malad or its authorized agent
- (11) "Superintendent" - The Water Superintendent of the City of Malad, or his authorized agent.

Section 3: CROSS-CONNECTIONS.

No water service connection to any premises shall be installed or continued in use by the Purveyor unless the water supply is protected by backflow prevention devices as maybe required by this ordinance. The installation or maintenance of a cross-connection which will endanger the water quality of the potable water supply of the City of Malad 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 the Regulations, together with the latest addition or appropriate manuals of standard practice pertaining to cross-connection control approved by the Director. The Engineer shall have the authority to establish requirements more stringent than State regulations if he deems that the conditions so dictate. The Purveyor shall adopt rules and regulations as necessary to carry out the provisions of this ordinance.

Section 4: USE OF BACKFLOW PREVENTION DEVICES.

- (1) Backflow prevention devices shall be installed at the facilities on the premises on the materials used in connection with service connection or within any premises where, in the judgement of the Purveyor, 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 be 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:
 - (a) Premises having an auxiliary water supply, unless the quality of the auxiliary supply is in compliance with the Regulations and is acceptable to the Purveyor.
 - (b) Premises having internal cross-connections that are not correctible, or intricate plumbing arrangements which make it impracticable to ascertain whether or not cross-connections exist.
 - (c) 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.
 - (d) Premises having a repeated history of cross-connections being established or re-established.
 - (e) Premises on which any substance 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.
 - (f) 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.

(g) 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 Purveyor and Director determine that no hazard exists:

- (i) Hospitals, mortuaries, clinics
- (ii) Laboratories
- (iii) Metal plating industries
- (iv) Sewage treatment plants
- (v) Food or beverage processing plants
- (vi) Chemical plants using a water process
- (vii) Petroleum processing or storage plants
- (viii) Radioactive material processing plants or nuclear reactors
- (ix) Others specified by the Director

(h) Other premises, as specified by the Engineer or Superintendent, where backflow prevention devices are required to protect the public water supply.

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

(a) An air-gap separation or a reduced pressure principle backflow prevention device shall be installed where the public water supply may be contaminated with sewage, industrial waste or a toxic nature, or other contaminant which could cause a health or system hazard.

(b) In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air-gap separation, or a reduced pressure principle backflow prevention device shall be installed.

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

(4) Backflow prevention devices required by this ordinance shall be installed under the supervision of, and with the approval of, the Purveyor.

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

(6) Backflow prevention devices installed pursuant to this ordinance, except atmospheric vacuum breakers, shall be inspected and tested annually, or more often if necessary. Inspection and maintenance shall be at the customer's expense. Whenever the devices are found to be defective, they shall be repaired, overhauled or replaced at the customer's expense. Inspections, tests, repairs and records thereof shall be accomplished under the Purveyor's supervision by certified testers.

(7) No underground sprinkling device will be installed without adequate backflow prevention devices at the point from which the water for irrigation is taken from the public water supply.

(8) Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this ordinance and the Regulations shall be grounds for the termination of water service to the premises or, in the alternative, the installation of an air-gap separation at the customer's expense.

Section 5. CROSS-CONNECTION INSPECTION.

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

(2) Any construction for industrial or other purposes which is classified as hazardous facilities pursuant to Section 4(1)(g) of this ordinance, where it is reasonable to anticipate intermittent cross-connections, or as determined by the Director shall be protected by the installation of one or more backflow prevention devices at the point or service from the public water supply or any other location designated by the Purveyor.

(3) Inspections shall be made periodically of all buildings, structures, or improvements of any nature now receiving water through the City's system, for the purpose of ascertaining whether cross-connections exist. Such inspections shall be made by the Purveyor.

Section 6. INSTALLATION PERMITS.

If cross-connection control device(s) are found to be necessary, the owner of the property served must apply to the Purveyor for a specific installation permit.

Section 7. ADDITIONAL REMEDIES.

In the event an improper cross-connection is not corrected within the time limit set by the Superintendent or, in the event the Purveyor 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 Purveyor's satisfaction. In addition, the Purveyor 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.

Section 8. 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 Purveyor, 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 Dollars (\$300.00) or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

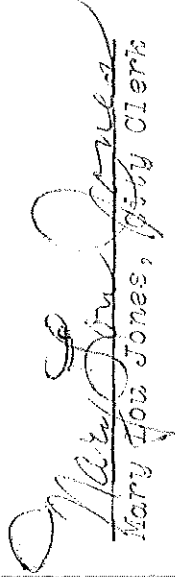
Section 9. SEVERABILITY: If any one or more sections, sub-sections or sentences of this ordinance are for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance and the same shall remain in full force and effect.

Section 10: All existing ordinances of the City Maiaad in conflict herewith are hereby repealed.

Section 11: This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Maiaad, Oneida County, Idaho, this 17 day of September 1980.

ATTEST:


Mary You Jones, City Clerk


SETH THOMAS, Mayor