

## **ORDINANCE NO. 498**

### **AN ORDINANCE REPEALING ORDINANCE 477 (AMC 13.12) CROSS-CONNECTION CONTROL AND ENACTING ORDINANCE 498.**

**WHEREAS**, the State of Oregon and the City of Aurora have public policy and statutory duties to ensure that drinking water is safe and fit for human consumption; and

**WHEREAS**, the City of Aurora currently enforces a cross-connection control ordinance; and

**WHEREAS**, the City of Aurora's cross-connection control ordinance contains references to outdated OARs; and

**WHEREAS**, the City of Aurora is required to update its ordinances from time to time to keep current with changing laws and regulations.

### **NOW, THEREFORE, THE CITY OF AURORA REPEALS ORDINANCE 477 AND ORDAINS AS FOLLOWS:**

**Section 1:      13.12.010 Definitions.**

- (1) "APPROVED BACK.FLOW PREVENTION ASSEMBLY" or "BACKFLOW ASSEMBLY" or "ASSEMBLY" means an assembly to counteract backpressure and/or prevent back-siphonage. This assembly must appear on the list of approved assemblies issued by the Oregon Health Authority.
- (2) "AUXILIARY SUPPLY" means any water source or system other than the City of Aurora Water System.
- (3) "BACKFLOW" means the flow in the direction opposite to the normal flow or the introduction of my foreign liquids, gases, or substances into the water system of the City of Aurora.
- (4) "BORESIGHT" or "BORESIGHT TO DAYLIGHT" means providing adequate drainage for backflow prevention assemblies installed in vaults through the use of an unobstructed drain pipe.
- (5) "CERTIFIED BACKFLOW ASSEMBLY TESTER" OR "TESTER" shall mean a person who has successfully completed and maintains all requirements as established by the Oregon Health Authority to be a tester in the State of Oregon.
- (6) "CERTIFIED CROSS CONNECTION CONTROL SPECIALIST" or "SPECIALIST" shall mean a person who has successfully completed and maintains all requirements as established by the Oregon Health Authority to be a Specialist in the State of Oregon and is either employed with the City of Aurora or contracted by the City of Aurora.
- (7) "CITY" shall mean the City of Aurora.
- (8) "CONTAMINATION" means the entry into or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water.

(9) "CROSS CONNECTION" means any physical arrangement where a potable water supply is connected, directly or indirectly, with any other non-drinkable water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers, or any other device which contains, or may contain, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other temporary or permanent devices through which or because of which backflow may occur, are considered to be cross connections.

(10) "DEGREE OF HAZARD" means the non-health hazard or health hazard classification that shall be assigned to all actual or potential cross connections.

(11) "DOUBLE CHECK VALVE BACKFLOW PREVENTION ASSEMBLY", "DOUBLE CHECK ASSEMBLY", "DOUBLE CHECK" or "DCV A" means an assembly which consists of two (2) independently operating check valves which are spring-loaded or weighted. The assembly comes complete with a resilient seated shut-off valve on each side of the checks, as well as test cocks to test the checks for tightness.

(12) "HEALTH HAZARD" means an actual or potential threat of contamination of a physical, chemical or biological nature to the public potable water system or the consumer's potable water system that would be a danger to health.

(13) "NON-HEALTH HAZARD" shall mean the classification assigned to an actual or potential cross connection that could allow a substance that may be objectionable, but not hazardous to one's health, to backflow into the potable water supply.

(14) "OHA" shall mean Oregon Health Authority.

(15) "OAR" shall mean Oregon Administrative Rule.

(16) "PLUMBING HAZARD" means an internal or plumbing-type cross connection in a consumer's potable water system that may be either a pollutional or a contamination-type hazard. This includes, but is not limited to, cross connections to toilets, sinks, lavatories, wash trays, domestic washing machines and lawn sprinkling systems. Plumbing-type cross connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments.

(17) "POINT OF USE ISOLATION" means the appropriate backflow prevention within the consumer's water system at the point at which the actual or potential cross connection exists.

(18) "POLLUTIONAL HAZARD" means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system, but which would not constitute a health or system hazard, as defined. The maximum intensity of pollution to which the potable water system could be degraded under this definition would cause minor damage to the system or its appurtenances.

(19) "POTABLE WATER SUPPLY" means any system of water supply intended or used for human

consumption or other domestic use.

(20) "PREMISES" means any piece of property to which water service is provided. including, but not limited to, all improvements, mobile structures, and other structures located upon it.

(21) "PREMISES ISOLATION" means the appropriate backflow prevention at the service connection between the public water system and the premises. This location will be at or near the property line and downstream from the service connection meter.

(22) "REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY" or "REDUCED PRESSURE PRINCIPLE ASSEMBLY" or "RP ASSEMBLY" or "RPBA" shall mean an assembly containing two independently-acting approved check valves together with a hydraulically-operated, mechanically-independent pressure differential relief valve located between the check valves, and at the same time, below the first check valve. The assembly shall include properly located test cocks and two tightly closing shut-off valves.

(23) "SUPERINTENDANT" means the Public Works Superintendent or their designee.

(24) "SYSTEM HAZARD" means an actual or potential threat of severe danger to the physical properties of the public or consumer's potable water system or of a pollution or contamination which would have a detrimental effect on the quality of the potable water in the system.

(25) "THERMAL EXPANSION" means the pressure created by the expansion of heated water.

Section 2:      **13.12.020 Purpose.**

The purpose of this code is to protect the water supply and distribution system of the city from contamination or pollution due to any existing or potential cross connections and to comply with OAR Chapter 333, Division 061.

Section 3:      **13.12.030 Application and responsibilities.**

This chapter applies throughout the city and to every premises and property served by the city water system. It applies to all premises, regardless of date of connection to the city water system. Every owner, occupant or person in control of any concerned premises is responsible to ensure compliance with the terms and provisions contained within this chapter.

Section 4:      **13.12.040 Cross connections regulated.**

A. No cross connections shall be created, installed, used, or maintained within the territory served by the city, except in accordance within this chapter.

B. The public works superintendent, designee, or Specialist shall carry out or cause inspections to be carried out and/or send out surveys to each resident to determine if any actual or potential cross connection exists. These surveys must be completely filled out and returned, as requested. If found

necessary, an assembly commensurate with the degree of hazard will be required to be installed at the service connection.

C. The owner, occupant, or person in control of the premises is responsible for the purchase, installation, testing, repair, maintenance, and cross-connection control of the premises. If there is a change in ownership of any and all property within the City's service area, it shall be the responsibility of the new owner to determine that all assemblies are in compliance with this chapter.

D. The use of any type of chemical spray attachment connected to the premises plumbing, including garden hose fertilizers and pesticide applicators, is prohibited within the city's water system without proper protection from the potential of backflow occurring.

E. The use of any type of radiator flush kits attached to the premises plumbing is prohibited within the city's water system without proper protection from the potential of backflow occurring.

**Section 5: 13.12.050 Backflow prevention assembly requirements.**

A certified cross connection specialist shall determine the type of backflow assemblies to be installed within the city's water system. All assemblies shall be installed at the service connection unless it is determined by the specialist and approved by the public works superintendent that it should be installed at the point of use. If a point-of-use assembly has not been tested or repaired as required by the ordinance codified in this chapter, a backflow prevention assembly commensurate with the degree of hazard is required at the service connection. An assembly shall be required in each of the following circumstances:

A. When the nature and extent of any activity at a premises, or the materials used in connection with any activity at a premises, or materials stored at a premises, could contaminate or pollute the potable water supply.

B. When a premises has one or more cross connections.

C. When internal cross connections are present that are not correctable.

D. When intricate plumbing arrangements are present making it impractical to ascertain whether cross connections exist.

E. When the premises has a repeated history of cross connections being established or reestablished.

F. When entry to the premises is restricted so that inspections for cross connections cannot be made with sufficient frequency to assure cross connections do not exist.

G. When materials are being used such that, if backflow should occur, a health hazard could result.

H. When an appropriate cross connection survey report form has not been filed with the public works superintendent.

I. On any and all used water return systems.

J. When there is a premises with an unapproved auxiliary water supply which is or can be connected to the city's water service or supply system.

K. On all nonresidential multi-story buildings or any building with a booster pump or elevated storage tank.

L. Where there is piping or equipment for conveying liquids other than potable city water and that piping or other equipment is under pressure and installed and operated in a manner that could cause a cross connection.

M. When a premises has an unapproved auxiliary water supply.

N. When installation of an approved backflow prevention assembly is deemed by an inspector to be necessary to accomplish the purpose of the ordinance codified in this chapter.

**Section 6: 13.12.060 Retrofitting.**

Retrofitting shall be required on all service connections where an actual or potential cross connection exists, and wherever else the city deems retrofitting necessary.

**Section 7: 13.12.070 Landscape irrigation systems.**

All landscape irrigation systems shall be protected with an (Uniform Plumbing Code (UPC) listed device) atmospheric vacuum breaker (AVB) that is six inches higher than the tallest sprinkler. In the event an AVB cannot meet or exceed this standard, then a double check is required. In the event any system is equipped with an injector system, or has submerged heads, a reduced pressure principle assembly will be required.

**Section 8: 13.12.080 Thermal expansion.**

It is the responsibility of the property owner, the occupant, or person in control of the property to eliminate the possibility of damage to the public system from thermal expansion if a closed system has been created by the installation of a backflow prevention assembly or other appurtenances.

**Section 9: 13.12.090 Mobile units.**

Any mobile unit or apparatus which uses the water from any premises within the city's water system, shall first obtain a permit from the city and be inspected to assure an approved air gap separation or reduced pressure principle assembly is installed on the unit.

**Section 10: 13.12.100 Installation requirements.**

All backflow prevention assembly installations shall follow the requirements as stipulated by the city and OAR Chapter 333, Division 061.

The type of backflow prevention assembly required shall be commensurate with the degree of hazard that exists and must, at all times, meet the standards of the Oregon Health Authority. All backflow prevention assemblies required under this section shall be of a type and model approved by the Oregon Health Authority.

**Section 11: 13.12.110 Pressure loss.**

Any decrease in water pressure caused by the installation of a backflow assembly shall not be the responsibility of the city.

**Section 12: 13.12.120 Fire systems.**

An approved double check detector assembly shall be the minimum protection on fire sprinkler systems using piping material that is not approved for potable water use and/or does not provide for periodic flowthrough during each 24-hour period. A reduced pressure principle detector assembly (RPDA) must be installed if any solution other than the potable water can be introduced into the fire sprinkler system.

**Section 13: 13.12.130 Plumbing code.**

As a condition of water service, customers shall install, maintain and operate their piping and plumbing systems in accordance with the Oregon Specialty Plumbing Code. If there is a conflict between the ordinance codified in this chapter and the plumbing code, consultation of the public works superintendent and city building official will render a decision for appropriate protection of the city water system.

**Section 14: 13.12.140 Access to premises.**

Authorized personnel of the city, with proper identification and sufficient notice, shall have access during reasonable hours to all parts of a premises and within the structure to which water is supplied. If any owner, occupant or person in control refuses authorized personnel access to a premises, or to the interior of a structure, during these hours for inspection, a reduced pressure principle assembly shall be installed at the service connection to that premises.

**Section 15: 13.12.150 Annual testing and repairs.**

All backflow prevention assemblies installed within the area(s) served by the city shall be tested immediately upon installation, and at least annually thereafter by an Oregon Health Authority certified backflow prevention assembly tester. All such assemblies found not functioning properly shall be promptly repaired or replaced at the expense of the owner, occupant, or person in control of the premises. In the event an assembly is moved, repaired or replaced it must be retested immediately. If any such assembly is not promptly repaired or replaced, the city shall deny or discontinue water service to the premises.

**Section 16: 13.12.160 Responsibilities of backflow prevention assembly testers.**

A. All backflow assembly testers operating within the city water system service area shall be certified in accordance with all applicable regulations of the Oregon Health Authority (OHA).

B. Persons certified as backflow prevention assembly testers shall agree to abide by all requirements of the United States Occupational Safety and Health Administration (OSHA) and Oregon Occupational Safety and Health Administration (OR-OSHA); and have completed confined space entry training to enter any confined space within the city.

C. No person shall operate as a backflow prevention assembly tester within the city without first being annually registered with the city cross connection control program.

D. At the time of registration, recertification, and/or upon the city request, each person certified as a backflow prevention assembly tester shall furnish evidence to show that they are insured and bonded to perform services, have a current valid OHD backflow assembly tester certification, and have proof of gauge accuracy verification within the previous year.

**Section 17: 13.12.170 Cost of compliance and fees.**

A. All costs, associated with purchase, installation, inspections, testing, replacement, maintenance, parts and repairs of the backflow prevention assembly are the financial responsibility of the property owner.

**Section 18: 13.12.180 Termination of service.**

Failure on the part of any owner, occupant, or person in control of the premises, to install or maintain backflow assemblies as required to discontinue the use of all cross connections and to physically separate cross connections in accordance with the ordinance codified in this chapter is sufficient cause for the discontinuance of public water service to the premises pursuant to OAR [333-061-0070](#). In the case of an extreme emergency or where an immediate threat to life or public health is found to exist discontinuance or termination of public water service to the premises shall be immediate. In all other cases discontinuance or termination of public water service to the premises shall be taken upon 20 days written notice of the failure to comply with the provisions of the ordinance codified in this chapter. The city may grant an extension of the 20-day correction period if it is demonstrated to the satisfaction of the city

that good cause exists for the extension, such as corrective action has begun and cannot be completed within 20 days, the owner, occupant, or person in control is deceased, or the written notice does not reach the owner, occupant, or person in control.

Section 19:     **13.12.190 Appeals.**

Any appeals concerning compliance with this article are to be heard by the Council.

Section 20:     **13.12.200 Penalties.**

Any person violating any provisions of this chapter upon conviction shall be penalized by a fine of not more than \$500.00 per violation. In the case of a continuing violation, every day's continuance of the violation is a separate violation.

Section 21:     **13.12.100 Constitutionality and Savings Clause.**

Should any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, are for any reason held to be unconstitutional, void, invalid, or for any reason unenforceable, the validity of the remaining portions of this Ordinance, or its application to other persons or circumstances, shall not be affected; thereby, it being the intent of the City of Aurora in adopting and approving this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or :invalidity of any other portion, provision, or regulation.

APPROVED AND ADOPTED by the  
City Council of the City of Aurora,  
Marion County, Oregon, on this 13th  
day of September, 2022.

APPROVED by the Mayor for the  
City of Aurora, Oregon, on this  
this 13th day of September, 2022.

ATTEST:

APPROVED:

\_\_\_\_\_  
City Recorder

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Mayor