

ORDINANCE 24-06

AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.08 – BACKFLOW AND CROSS-CONNECTIONS OF THE MORGAN CITY CODE; MAKING TECHNICAL CHANGES; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Morgan City Council desires to protect the safe drinking water supply of Morgan City from the possibility of contamination or pollution from any cross connections existing or potential; and

WHEREAS, the Morgan City Council desires to assure that approved backflow prevention assemblies are tested when put into service and on an annual basis thereafter; and

WHEREAS, the Morgan City Council desires to promote the reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the consumers; and

WHEREAS, the Morgan City Council desires to provide for the administration of a continuing program of backflow prevention which will systematically and effectively prevent the contamination or pollution of all drinking water systems; and

WHEREAS, the installation or maintenance of any unprotected cross connection which would endanger the water supply of Morgan City is prohibited; and

WHEREAS, any such cross connection now existing or hereafter installed is hereby declared unlawful and shall be immediately protected or eliminated; and

WHEREAS, Section 10-8-15, Utah Code Annotated (1953, as amended), empowers the legislative bodies of cities to construct, maintain and operate waterworks; and

WHEREAS, this ordinance is in compliance with Section R309.105.12 of the Utah Public Drinking Water Rules (UPDWR) and the Plumbing Code as adopted by the State of Utah; and

WHEREAS, the City Council of Morgan City deems it to be in the best interest of the citizens of Morgan City to amend Title 8, Chapter 8.08 – Backflow and Cross Connections, of the Morgan City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MORGAN, UTAH:

SECTION 1 **Repealer.** If any provisions of the Morgan City Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION 2. **Enactment.** Title 8, Chapter 8.08 – Backflow and Cross Connections of the Morgan City Code is hereby amended to read as follows:

Chapter 8.08 BACKFLOW AND CROSS CONNECTIONS

8.08.010 **PURPOSE OF ORDINANCE**

8.08.0120 **DEFINITIONS**

8.08.0230 **GENERAL POLICY AND RESPONSIBILITIES**

8.08.0340 **REQUIREMENTS**

8.08.0450 **NONLIABILITY OF CITY**

8.08.0560 **PENALTY**

8.08.010 PURPOSE OF ORDINANCE

To protect the public drinking water supply of Morgan City from the possibility of contamination or pollution by requiring compliance with the Utah State Rules for Public Drinking Water Systems and the Plumbing Code as adopted by the State of Utah, that requires a cross connection control protection of all public drinking water systems in the State of Utah. Compliance with these minimum safety codes will be considered reasonable diligence or the prevention of contaminants or pollutants which could backflow into the public drinking water system; and

To promote the reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the consumer, as required by the state and plumbing regulations to assure water system safety; and

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 city's drinking water system.

8.08.0420 DEFINITIONS

The following words and phrases used in this chapter shall have the following meaning unless a different meaning clearly appears from the context:

APPROVED BACKFLOW PREVENTION ASSEMBLY: A backflow prevention assembly, accepted by the Utah state department of water quality, division of drinking water, as meeting an applicable specification or as suitable for the proposed use.

AUXILIARY WATER SUPPLY: Any water supply on or available to premises other than the public culinary or potable water supply administered by the Morgan City water purveyor will be considered an auxiliary water supply. These auxiliary water supplies may include water from nonpotable or secondary water systems, another purveyor's public potable water supply or any natural source such as well, spring, river, stream, harbor, 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 Morgan City water purveyor does not have authority for sanitary control.

BACK PRESSURE: The flow of water or other liquids, mixtures or substances from a region of high pressure to a region of lower pressure ~~under pressure~~ into the feeding-distribution pipes of a potable water supply system from any source(s) other than the intended source.

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 supply system.

BACKFLOW: The reversal of the normal flow of water caused by either back pressure or back siphonage.

BACKFLOW PREVENTION ASSEMBLY: An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the plumbing code, as adopted and amended by the state of Utah and in the cross connection control program for Utah maintained by the division of drinking water.

CONTAMINATION: A degradation of the quality of the potable water supply by nonpotable (secondary) water, sewage, industrial fluids or waste liquids, compounds or other materials s that may create a health hazard.

CROSS CONNECTION: Any physical connection or arrangement of piping or fixtures which may allow nonpotable water or industrial fluids or other material of questionable quality to come in contact with potable water inside a water distribution system. This would include any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change over devices or sliding multiport tubes or other plumbing arrangements.

CROSS CONNECTION, CONTAINMENT: The installation of an approved backflow assembly at the water service connection to any consumer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections within the consumer'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 consumer's water distribution system; or it shall mean the installation of 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).

CROSS CONNECTION, CONTROLLED: A connection between a potable water system and a secondary or nonpotable 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.

MORGAN CITY WATER PURVEYOR: The person designated to be in charge of the water department of Morgan City, who is hereby, if not otherwise, 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 chapter.

NONPOTABLE WATER: Any source of water that does not meet the definition of "potable water". Nonpotable water may be referred to as an auxiliary or secondary water source.

POTABLE WATER: Water from a clean source, such as a spring or well, or that has been processed through a water treatment/purification plant and has been proven sanitary and fit for drinking and other culinary purposes.

WILFUL:

1. A connection made intentional or unintentional to the Morgan City public potable (culinary) water system that jeopardizes the health and welfare or others connected to the system.
2. Any landowner or person who degrades the Morgan City public potable (culinary) water supply through a careless or purposeful act. (Ord. 09-06, 8-25-2009)

8.08.02~~30~~ GENERAL POLICY AND RESPONSIBILITIES

A. Surveys And Inspections:

1. Drinking water system surveys/inspections of the consumer's water distribution system may be conducted or caused to be conducted as resources permit by individuals deemed qualified by and representing the city. Survey records shall indicate compliance with the State of Utah Regulations, and health and safety standards. All such records shall be maintained by the city for a reasonable period.
2. The city, as resources permit, shall notify in writing, all consumers of the need for the periodic system survey to ensure compliance with existing applicable minimum health and safety standards.
3. Selection of an approved backflow prevention assembly for containment control required at the service entrance, in addition to those required by this chapter, may be determined from the results of the system survey.

B. Consumer Responsibilities:

1. Each consumer of the city potable water distribution system ("consumer") shall comply with this chapter as a term and condition of initial and continuing supply of water service

to consumer and consumer's initial or continued acceptance of water service is deemed admittance of consumer's awareness of the provisions of this chapter.

2. It shall be the responsibility of the consumer to timely purchase, install, test and maintain, at consumer's own expense, any backflow prevention device/assembly required to comply with this chapter. Failure to comply with this chapter shall constitute grounds for discontinuation of service.

C. City Responsibilities:

1. A city inspection official will review all plans 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 assembly, in accordance with the plumbing code as adopted and amended by the state.
2. Water vacating the drinking potable water supply must do so via an approved air gap or approved mechanical backflow prevention assembly, properly installed and in accordance with the plumbing code as adopted and amended by the state.

D. Certified Backflow Assembly Technician, Surveyor Or Repair Person Responsibilities:

1. Whether employed by the consumer or the city to survey, test, repair or maintain backflow prevention assemblies, the certified backflow technician, surveyor or repair person ("certified technician") shall have the following responsibilities:
 - a. Ensuring acceptable testing equipment and procedures are used for testing, repairing or overhauling backflow prevention assemblies.
 - b. Making reports of such testing and/or repair to the consumer, the city water purveyor, and the state department of environmental quality, division of drinking water, on forms approved for such use by the division of drinking water, and within the time frames prescribed by the division of drinking water, or this chapter, whichever is less.
 - c. Including in such report a list of materials or replacement parts used.
 - d. Ensuring replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
 - e. Not changing the design, material or operational characteristics of the assembly during testing, repair or maintenance.
 - f. Performing all tests of the mechanical devices/assemblies and being responsible for the competence and accuracy of all tests and reports.
 - g. Ensuring his/her license is current, the testing equipment being used is acceptable to the state and the city water purveyor, and that such equipment is in proper operating condition.
 - h. Being equipped with, and being competent to use, all necessary tools, gauges, test tags, and other equipment necessary to properly test and maintain backflow prevention assemblies.
 - i. Tagging each double check valve, pressure vacuum breaker, reduced pressure, approved or required backflow assembly and high hazard air gap, showing the serial number of the device, the date tested and the certified technician's name and license number.
2. In the case of a consumer requiring a commercially available certified technician, any certified technician is authorized to make the test and report the results of that test to the consumer, city water purveyor and the state department of water quality, division of drinking water. If such a commercially tested assembly is in need of a repair, a licensed plumber shall make the actual repair. (Ord. 09-06, 8-25-2009)

8.08.03~~40~~ REQUIREMENTS

A. Backflow Prevention Assembly Requirements:

1. Installation Required: Whenever the city water purveyor deems a service connection to the public potable water supply constitutes a sufficient hazard to the water supply, an

approved backflow prevention assembly shall be installed, tested and maintained by the consumer, and at the consumer's expense and in accordance with this chapter, 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.

2. Determination Of Type Of Assembly: The type of protective assembly required under subsection A1 of this section shall be determined by the city water purveyor considering the degree of hazard, ~~as defined by the University of Southern California (USC) Foundation for Cross-Connection and Hydraulic Research and/or American Society of Sanitary Engineering (ASSE)~~ which exists at the point of cross connection (whether direct or indirect), applicable to the city and state requirements, standards or resulting from the survey referred to in MCC 8.08.0230A.
3. Approval By Water Purveyor: Any backflow prevention assembly required herein shall be a make, model and size approved by the water purveyor. The term "approved backflow prevention assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association entitled:

"AWWA/ANSI C510-92 Standard For Double Check Valve Backflow Prevention Assemblies";

"AWWA/ANSI C511-92 Standard For Reduced Pressure Principle Backflow Prevention Assemblies";

and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California (USC FCCCHR) established in:

Specifications of backflow prevention assemblies - section 10 of the most current edition of the "Manual Of Cross-Connection Control".

Said AWWA and USC FCCCHR standards and specifications have been adopted by the water purveyor. Final approval shall be evidenced by a "certificate of compliance" for the said AWWA standards; or "certificate of approval" for the said USC FCCCHR specifications; issued by an approved testing laboratory.

The following testing laboratory has been qualified by the water purveyor to test and approve backflow prevention assemblies:

Foundation for Cross-Connection Control and Hydraulic Research
University of Southern California
KAP-200 University Park MC-2531
Los Angeles, CA 90089-2531

Testing laboratories other than the laboratory listed above will be added to an approved list as they are qualified by the water purveyor.

4. Residential Consumer Requirements: Residential dwelling consumers connecting to the city public potable water supply ~~on or after January 1, 1997~~, shall install and maintain, in accordance with this chapter, backflow prevention assemblies as follows:
 - a. Vacuum breakers on every hose bib connected to the city public potable water supply distribution system; and
 - b. Devices which are approved by the University of Southern California (USC) Foundation for Cross-Connection Control and Hydraulic Research and/or

American Society of Sanitary Engineering (ASSE) shall be placed on every sprinkler system connected to the city public potable water supply distribution system.

5. Consumers Connected To City Water Supply System: All consumers connected to the city public potable water supply distribution system as of January 1, 1997, shall install, maintain, cause to be tested and inspected, at the consumer's expense and in accordance with the provisions of this chapter (including subsection A4 of this section), an approved backflow prevention assembly.
6. Safety Hazards Prohibited: No backflow prevention assembly shall be installed so as to create a safety hazard. Example: Installed over an electrical panel, steam pipes, boilers, pits or above ceiling level.
7. Sprinkling System Connections: Sprinkling system connections made to the city public potable water system shall be placed at least three feet (3') (horizontally) from the downstream side of the water meter box.
8. Permit Required: It is unlawful for any person to connect an existing underground lawn sprinkling system that is being supplied by either a potable source to a nonpotable source or from a nonpotable source to a potable source without first having obtained a permit therefor as hereinafter required. Any person not obtaining the required permit is in violation of this chapter.

B. Test And Inspection Requirements:

1. Each consumer shall, at such consumer's own expense, cause a certified technician to inspect and conduct annual operational tests on any backflow prevention assembly and to tag such assembly as provided in this chapter. Any assembly failing such inspection or test shall be brought into compliance with this chapter within ~~thirty~~ten (310) days of the failure. If the city water purveyor deems the hazard to be great, he/she may require inspections and tests at a more frequent interval. It shall be the duty of the certified technician to perform such tests and inspections in accordance with the standards set forth by the state department of environmental quality, division of drinking water, and this chapter.
2. The consumer's system shall be open for inspection at all reasonable times to authorized representatives of the city water purveyor to determine whether cross connections or other structural or sanitary hazards, including violations of this chapter, exist and to audit the results of any survey. (R309.105.12 of the Utah Administrative Code)
3. All backflow prevention assemblies shall be tested, inspected and tagged, in accordance with the provisions of this chapter, within ten (10) working days of initial installation.

- C. Connections Not Allowed: City residents (consumers) who are connected to the city public potable water supply distribution system shall not connect any secondary water supply to it. Secondary water systems shall be maintained separate and in no way connected to the potable water system, even with the use of a reduced pressure backflow prevention device. Any person who makes an unauthorized connection between the city potable (culinary) water system and the nonpotable (secondary) water system shall be guilty of a "wilful" attempt to degrade the potable water supply and be subject to a fine as set forth in MCC 8.08.050B. (~~Ord. 09-06, 8-25-2009~~)

8.08.0450 NONLIABILITY OF CITY

The degree of protection from the contamination or pollution of the potable water supply of the city as required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. In spite of the city's efforts, and in light of its limited resources, contamination and pollution can and will occur on rare occasions. This chapter does not imply that contamination or pollution of the city's potable water supply will not occur. This chapter shall not create liability on the part of the city, the city council, or any officer or employee thereof, whether elected or appointed, for any contamination or pollution to the potable water supply that may result from reliance on this chapter or any administrative decision lawfully made thereunder. (~~Ord. 09-06, 8-25-2009~~)

8.08.0560 PENALTY

A. Protection Required; Violations:

1. No water service connection to the city public potable water distribution system shall be installed or maintained unless the water supply is protected as required by the statutes and regulations of the state and the ordinances, resolutions, policies and regulations of the city. Service of water to a consumer found to be in violation of this chapter shall be discontinued by the city water purveyor after written notification of the violation and an appropriate time suspense for voluntary compliance, except where the city water purveyor determines that the violation creates an immediate hazard to the integrity and safety of the water system, in which case he/she shall immediately discontinue the water service and provide, as soon thereafter as is practicable, written notification of the violation and discontinuance of water service to the consumer. A violation of this chapter shall be deemed to have occurred if:
 - a. A backflow prevention assembly required by this chapter for control of backflow and cross connections is not installed, tested and maintained; or
 - b. If it is found that a backflow prevention assembly has been removed or bypassed; or
 - c. If an unprotected cross connection exists on the premises.
2. Service shall not be restored until such conditions or defects are corrected and brought into conformance with state statutes and city ordinances (including this chapter), relating to safe drinking water supplies and the policies, resolutions and regulations adopted pursuant thereto.

B. Fine: It is hereby declared that any person who creates, or attempts to create, a backflow of a contaminated substance into the city potable water distribution system shall be assessed a fine. The fine shall be set by the city council by resolution and reviewed periodically. Furthermore, all expenses for cleanup and disinfection of the city potable water distribution system resulting from the backflow of a contaminated substance shall be charged to the landowner or person responsible.

C. Misdemeanor: In addition or as an alternative to any other penalty provided herein or by applicable law, any consumer violating any provision of this chapter shall be subject to all liability and guilty of a class B misdemeanor, and the punishment for such violation shall be by fine not to exceed the maximum class B misdemeanor fine or imprisonment under MCC 1.08.010 for a class B misdemeanor, or by both fine and imprisonment. Each day during or on which a violation of this chapter occurs shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 09-06, 8-25-2009)

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION 4. Effective Date. This ordinance shall become effective immediately upon posting.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 23rd day of April, 2024.


STEVE GALE, Mayor

ATTEST:


DENISE WOODS, City Recorder



CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay	Excused
Council Member London	<u>X</u>	_____	_____
Council Member Wardell	<u>X</u>	_____	_____
Council Member Turner	_____	_____	<u>X</u>
Council Member Richins	<u>X</u>	_____	_____
Council Member Alexander	<u>X</u>	_____	_____

(In the event of a tie vote of the Council):

Mayor Gale	_____	_____
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