



ORDINANCE NO. 744

41-00152

**AN ORDINANCE AMENDING SECTION 13.05.640 CROSS
CONNECTIONS
OF TITLE 13, UTILITIES, OF THE MUNICIPAL CODE
OF THE CITY OF BROWNSVILLE, OREGON;**

The City of Brownsville does ordain as follows:

WHEREAS, Title 13 of the Brownsville Municipal Code (BMC) defines Utilities, and;

WHEREAS, at the request of the Oregon Health Authority, Council desires to update and replace current language as provided herein;

NOW THEREFORE, the City of Brownsville ordains as follows:

Current Brownsville Municipal Code reads as follows:

13.05.640 Cross-connections.

- A. Whenever the City of Brownsville Cross-Connection Control Inspector has reasonable cause to believe that an existing or potential cross-connection is located on the user's premises, an approved backflow prevention assembly, as determined by the City's designated Certified Cross-Connection Control Inspector, shall be installed at the service connection, by the owner of the premises, and at the owner's expense.
- B. The owner of the premises requiring an approved backflow prevention assembly shall have the assembly tested by a certified tester upon installation and at least once per year thereafter. Reports on the tests shall be prepared by a certified tester and copies of the reports shall be provided to the owner of the premises and to City Hall. Approved results of the initial test upon installation must be submitted to the City prior to the service being connected.
- C. Failure to install the proper assembly upon order of the City, or failure to maintain or annually test a required assembly will result in discontinuation of water service to the premises.
- D. All approved backflow prevention assemblies shall be installed in accordance with OAR 333-061-0071.
- E. A copy of the Oregon Health Division list of backflow prevention assemblies approved for use in Oregon will be maintained by the City and made available to customers upon request.
- F. Backflow prevention assemblies installed before the effective date of these rules which were approved at the time they were installed but are not on the current list of approved assemblies maintained by the Division shall be permitted to remain in service provided they are properly maintained, are commensurate with the degree of hazard, are tested at least annually, and perform satisfactorily. When assemblies of this type are moved, require more than minimum maintenance or are on services that are modified, changed size or remodeled, they shall be replaced by assemblies which are on the Division



list of approved assemblies. [Ord. 660 § 1, 1998; Ord. 650 § 2, 1997; Ord. 534 § 31, 1981; 1981 Compilation § 3-2.31.]

The *New Ordinance* would read as follows:

13.05.640 Cross-connections.

The purpose of this ordinance is to protect the health of the people served by this water system by preventing contaminants from flowing backwards into the water supply. To accomplish this, these rules are in compliance with Oregon Administrative Rules (OAR) 333-061-0070 thru 333-061-0074. This includes installation, maintenance and testing of backflow prevention devices and assemblies; as well as other rules to report backflow data to the Oregon Health Authority every year.

Division refers to the Oregon Health Authority or duly charged State agency of the State of Oregon responsible for protection of public water supplies.

OAR refers to the Oregon Administrative Rules and corresponding, applicable code, chapters, paragraphs, subsections etal. of the State governing cross-connection and/or backflow.

Actual or potential cross connections are prohibited. If a potential exists for a cross connection and this is necessary, the water system must be protected by an appropriate backflow prevention device or assembly. Most high hazards or health hazard are specified in the above listed Oregon Administrative Rules; OAR 333-061-0071. They are given the highest priority.

- A. No person shall install or maintain any physical cross connection between the City water system and any other source of water supply.
- B. No cross connections are allowed. The water system must be protected by an appropriate backflow preventer.
- C. A list of "High Hazard" installation areas is on file with City Hall.
- D. Installation of backflow assembly devices and assemblies are to be installed per 2014 Oregon Plumbing Specialty Code (OPSC) or the most current revision or version.
- E. All backflow devices and assemblies are to be tested:
 - a. Upon installation, and
 - b. After a backflow incident, and
 - c. If the device is moved or repaired, and
 - d. At least yearly.
- F. These devices may be part of the water system well or distribution system or on customer's property. There are no "grandfathering" clauses for these rules to allow customers to not have and test these devices.

The City of Brownsville has the ***right to refuse or terminate water service to any customer*** who does not install a backflow device or assembly, when necessary, test at least annually and repair if necessary the backflow devices on the customer's property.



- G. Whenever the City of Brownsville's certified Cross-Connection Specialist has reasonable cause to believe that an existing or potential cross-connection is located on the user's premises, an approved backflow prevention assembly, as determined by the City's designated certified Cross-Connection Specialist, shall be installed at the service connection, by the owner of the premises, and at the owner's expense.

The City of Brownsville reserves the right to demand a backflow device at the customer's side of the water meter if access is not allowed to determine if a backflow device or assembly is necessary.

- H. Failure to install the proper assembly upon order of the City, or failure to maintain or annually test a required assembly will result in immediate discontinuation of water service to the premises.
- I. The City of Brownsville will allow a reasonable time to achieve compliance with our rules, but should a backflow incident occur, the water system has the right to terminate service immediately and restore it only after compliance.
- J. Annual testing for devices will be performed at the customer's expense.
- K. In addition to any other sanctions allowed for under this chapter or State law, any violator will be responsible for all costs to the city for any cross contamination. (Ord. 3004 §1 (Exh. A)(part), 2011)


13.05.645 Violation – Penalty.

Any person violating any of the provisions of this chapter, other than those relating to payment or nonpayment of rates or charges, shall, upon conviction thereof, be punished by a fine or by imprisonment of not more than one hundred days, or both.


- L. 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.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR, as an emergency, this 22nd day of April, 2014.

Attest:



City Administrator S. Scott McDowell



Mayor Don Ware