

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 1449

Passed September 1, 2009

ORDINANCE ESTABLISHING CROSS-CONNECTION CONTROLS TO PROVIDE AN EFFECTIVE MEANS FOR PROTECTING THE PUBLIC WATER SYSTEM FROM CONTAMINATION DUE TO BACKFLOW AND CONTAMINANTS THROUGH THE WATER SERVICE CONNECTION INTO THE PUBLIC WATER SYSTEM AND TO PREVENT AVOIDANCE OF TAP FEES AND RELATED CHARGES.

WHEREAS, Section 6109.13 of the Ohio Revised Code requires protection of the public water system from contamination through any connection, whereby water from a private, auxiliary or emergency water system may enter the public water system; and

WHEREAS, Section 3745-95 of the Ohio Administrative Code requires protection of the public water system from contamination due to backflow of contaminants through the water service connection; and,

WHEREAS, the Village of Pemberville requires protection from the public water system contamination due to the backflow of contaminants through the water service connection; and,

WHEREAS, the Ohio Environmental Protection Agency requires the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination of all potable water systems; and,

WHEREAS, in order to accomplish these goals it is necessary to introduce protections that comply with Ohio plumbing code requirements;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF PEMBERVILLE, WOOD COUNTY, OHIO:

SECTION 1: That if, in the judgment of the Board of Public Affairs, an approved backflow prevention device is necessary for the safety of the public water system, the Board of Public Affairs will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at its own expense, install such an approved device at a location and in a manner approved by the Board of Public Affairs and shall have inspection and tests made of such approved devices as required by the Board of Public Affairs.

SECTION 2: That no person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained by any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of said Village may enter the supply of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Board of Public Affairs of the Village of Pemberville, Ohio, and the Ohio Environmental Protection Agency.

SECTION 3: That it shall be the duty of the Superintendent of Water or authorized representative to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Superintendent of Water shall deem necessary.

SECTION 4: That the Superintendent of Water of the Village of Pemberville or its or his or its duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distributing system of Pemberville, Ohio for the purpose of inspecting the piping system or systems thereof. On demand, the owner, lessees or occupants of any property so served shall furnish to the Superintendent of Water any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Superintendent of Water, be deemed evidence of the presence of improper connections as provided in this ordinance.

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SECTION 5: That the Board of Public Affairs of Pemberville is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this ordinance is known to exist, and to take such other precautionary measures as it may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected in compliance with provisions of this ordinance.

SECTION 6: That the following regulations on cross-connection control be, hereby are established as Codified Ordinance of Pemberville, Title 5:

Section 1. CROSS-CONNECTION CONTROL – GENERAL POLICY

A. Purpose. The purpose of these Rules and Regulations is:

1. To protect the public potable water supply from contamination or pollution by isolating within the consumer's water system contaminants or pollutants which could backflow through the service connection into the public potable water system.
2. To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing process fluids.
3. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the public and consumer's potable water systems.

B. Application. These Rules and Regulations shall apply to all premises served by the public potable water systems of the Village of Pemberville, Wood County, Ohio.

C. Policy. The Superintendent of Water shall be responsible for protection of the public potable water system from contamination due to backflow of contaminants through the water service connection. If, in the judgment of the Superintendent of Water, or his authorized representative, a contaminated source is found to exist, he shall give notice to the consumer to install such approved backflow prevention device at each service connection to his premises. The consumer shall immediately install such approved device or devices at his own expense, and failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed.

Section 2. DEFINITIONS

A. The following definitions shall apply in the interpretation and enforcement of these rules and regulations:

1. "Air Gap Separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supply water to a tank, plumbing fixture, or other device and flood level rim of the receptacle.
2. "Approved" means that a backflow prevention device or method has been accepted by the water purveyor and the Director as suitable for the proposed use.

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3. "Auxiliary Water System" means any water system on or available to the premises other than the public water system and includes the water supplied by the system. These auxiliary waters may include water from a source such as well, slakes, or streams; process fluids; or used water. They may be polluted or contaminated, or objectionable, or constitute a water source or system over which the water purveyor does not have control.
4. "Backflow" means the flow of water or other liquid mixtures or substances into the distributing pipes of a potable water supply from any source other than the intended source of the potable water supply.
5. "Backflow Prevention Device" means any device, method or type of construction intended to prevent backflow into a potable water system.
6. "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system.
7. "Consumer's Water System" means any water system located on the consumer's premises, supplied by, or in any manner connected to, a public water system. A household plumbing system is considered to be a consumer's water system.
8. "Contamination" means an impairment of the quality of the water by sewage or process fluids or waste to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.
9. "Cross-connection" means any arrangement whereby backflow can occur.
10. "Degree of Hazard" is a term derived from an evaluation of the potential risk to health and the adverse effect upon the potable water system.
11. "Director" means the director of the Ohio Environmental Protection Agency.
12. "double Check Valve Assembly" means an assembly composed of two single, independently acting check valves located at each end of the assembly and suitable connection for testing the water-tightness of each check valve.
13. "Health Hazard" means any condition, device or practice in a water system or its operation that creates, or may create, a danger to the health and well being of users. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could reasonably be expected to result in significant morbidity or death.
14. "Interchangeable Connection" means an arrangement or device that will allow alternate but not simultaneous use of two sources of water.
15. "Non-potable Water" means water not safe for drinking, personal, or culinary use.
16. "Person" means the state, any political subdivision, public or private corporation, individual, partnership or other legal entity.
17. "Pollution" means the presence in water of any foreign substance that tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.
18. "Potable Water" means water which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Department of Health.

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19. "Process Fluids" means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional or system hazard if introduced into the public or a potable consumer's water system. This includes, but is not limited to:
- (a) polluted or contaminated waters;
 - (b) process waters;
 - (c) used water originating from the public water system which may have deteriorated in sanitary quality;
 - (d) cooling waters;
 - (e) contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
 - (f) chemicals in solution or suspension;
 - (g) oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for fire-fighting purposes.
20. "Public Water System" means any publicly or privately owned potable water system subject to Section 6109.01(A) of the Ohio Revised Code.
21. "Reduced Pressure Principle Backflow Prevention Device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shut-off valves located at each end of the device, and each device shall be fitted with properly located test cocks.
22. "Service Connection" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.
23. "System Hazard" means a condition posing an actual or potential threat of damage to the physical properties of the public water system or a potable consumer's water system.
24. "Pollutional Hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water system or a potable consumer's water system.
25. "Used Water" means any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water purveyor.
26. "Water Purveyor" means the owner or operator of a public water system.

Section 3. WATER SYSTEM

- A. The water system shall be considered as made up of two parts: the public potable water system and the consumer's water system.
- B. The public potable water system shall consist of the source of facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Superintendent of Water up to the point where the consumer's water system begins.

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- C. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public distribution system.
- D. The public distribution system shall include the network of conduits used for delivery of water from the source to the consumer's water system.
- E. The consumer's water system shall include those parts of the facilities beyond the service connection which are utilized in conveying water from the public distribution system to points of use.

Section 4. CROSS-CONNECTIONS PROHIBITED

- A. No water service shall be installed or maintained to any premises where actual or potential cross-connections to the public potable or consumer's water system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the Board of Public Affairs.
- B. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the Board of Public Affairs and by the Director of the Environmental Protection Agency as required by Section 6109.13 of the Ohio Revised Code.

Section 5. SURVEY AND INVESTIGATIONS

- A. The consumer's premises shall be open at all reasonable times to the Superintendent of Water, or his authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to the determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
- B. On request by the Superintendent of Water, or his authorized representative, the consumer shall furnish information on water use practices within his premises.
- C. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system.

Section 6. WHERE PROTECTION IS REQUIRED

- A. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Board of Public Affairs or the Director, actual or potential hazards to the public potable water system exist.
- B. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:
 - 1. Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent of Water and the source is approved by the Ohio Environmental Protection Agency.
 - 2. Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to the public potable water system.

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This shall include premises having sources or systems containing process fluids or waters originating from the public potable water system which are not longer under the sanitary control of the Board of Public Affairs.

3. Premises having internal cross-connections that, in the judgment of the Board of Public Affairs, are not correctible or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.
 4. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
 5. Premises having a repeated history of cross-connections being established or re-established.
 6. Others specified by the Board of Public Affairs or the Director.
- C. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving but not necessarily limited to, the following types of facilities unless the Board of Public Affairs or the Director determines that no actual or potential hazard to the public potable water system exists.
1. Hospitals, mortuaries, clinics, nursing homes.
 2. Laboratories.
 3. Piers, docks, waterfront facilities.
 4. Sewage treatment plants, sewage pumping station or storm water pumping stations.
 5. Food or beverage processing plants.
 6. Chemical plants.
 7. Metal plating industries.
 8. Petroleum processing or storage plants.
 9. Radioactive material processing plants or nuclear reactors.
 10. Car Wash.
 11. Other specified by the Superintendent of Water or the Director.
- D. An approved backflow prevention device shall be installed at any point of connection between the public potable or consumer's water system and an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Board of Public Affairs and the source is approved by the Ohio Environmental Protection Agency.

Section 7. TYPE OF PROTECTION REQUIRED

- A. The type of protection required under Sections 6.1, 6.2 and 6.3 of these regulations shall depend on the degree of hazard which exists as follows:
1. An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
 2. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
 3. An approved air gap separation or an approved reduced pressure principle backflow prevention device or an approved double check

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valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollutional hazard not dangerous to health.

- B. The type of protection required under Section 6.4 of these regulations shall be an approved air gap separation or an approved interchangeable connection.
- C. Where an auxiliary water supply is used as a secondary source of water for a fire protection system, the provisions of Section 7.2 for an approved air gap separation or an approved interchangeable connection may not be required providing:
 - 1. At premises where the auxiliary water supply may be contaminated with substances that could cause a system or health hazard, the public or consumer's potable water system shall be protected against backflow by installation of an approved reduced pressure principle backflow prevention device.
 - 2. At all other premises, the public or consumer's potable water system shall be protected against backflow by installation of either an approved reduced pressure principle backflow prevention device or an approved double check valve assembly.
 - 3. The public or consumer's potable water system shall be the primary source of water for the fire protection system.
 - 4. The fire protection system shall be normally filled with water from the public or consumer's potable water system.
 - 5. The water in the fire protection system shall be used for fire protection only with no regular use of water from the fire protection system downstream from the approved backflow prevention device.
 - 6. The water in the fire protection system shall contain no additives.

Section 8. BACKFLOW PREVENTION DEVICES

- A. Any backflow prevention device required by these rules and regulations shall be of a model or construction approved by the Board of Public Affairs and Director and shall comply with the following:
 - 1. An air gap separation to be approved shall be at least twice the diameter of the supply pipe, but in no case less than one inch.
 - 2. A double check valve assembly or a reduced pressure principle backflow prevention device shall be approved by the Board of Public Affairs, and shall appear on the current "list of approved backflow prevention devices" of the Ohio Environmental Protection Agency.
 - 3. An interchangeable connection to be approved shall be either a swing type connector or a four-way valve of the lubricated plug type that operates through a mechanism which unseats the plug, turns it ninety degrees and reseats the plug. Four-way valves shall not be used as stop valves but must have separate stop valves on each pipe connected to the valve. The tell-tale port on the four-way valve shall have no piping connected and the threads or flange on this port shall be destroyed so that a connection cannot be made.
- B. Existing backflow prevention devices approved by the Board of Public Affairs or the Ohio Environmental Agency at the time of installation and properly

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maintained shall, except for inspection and maintenance requirements, be excluded from the requirement of Section 8.1 of this regulation, providing the Superintendent of Water is assured that they will satisfactorily protect the public potable water system. Whenever the existing device is moved from the present location or requires more than minimum maintenance, or when the Superintendent of Water finds that the maintenance of the device constitutes a hazard to health, the device shall be replaced by a backflow prevention device meeting the requirements of these regulations.

Section 9. INSTALLATION

- A. Backflow prevention devices required by these rules and regulations shall be installed at a location and in a manner approved by the Superintendent of Water and shall be installed by and at the expense of the water consumer. In addition, any backflow prevention device required by Section 6.2 and 6.3 of these regulations shall be installed at a location and in a manner approved by the Ohio Environmental Protection Agency as required by Section 6109.13 of the Ohio Revised Code.
- B. Backflow prevention devices installed on the service line to a consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.
- C. Pits or vaults shall be of water-tight construction, be so located and constructed as to prevent flooding and shall be maintained free from standing water by means of either a sump and pump or suitable drain. Such sump pump or drain shall not connect to a sanitary sewer nor permit flooding of the pit or vault by reverse flow from its point of discharge. An access ladder and adequate natural or artificial lighting shall be provided to permit maintenance inspection and testing of the backflow prevention device.

Section 10. INSPECTION AND MAINTENANCE

- A. It shall be the duty of the consumer at any premises on which backflow prevention devices required by the regulations are installed to have inspection, tests, and repairs made in accordance with the following schedule or more often where inspections indicate a need.
 - 1. Air separation shall be inspected at time of installation and at least every twelve months thereafter.
 - 2. Double check valve assemblies shall be inspected and tested for tightness at time of installation and at least every twelve months thereafter.
 - 3. Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at time of installation and at least every twelve months thereafter.

They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every five years.
 - 4. Interchangeable connections shall be inspected at time of installation and at least every twelve months thereafter.
- B. Inspections, tests, and repairs of backflow prevention devices shall be made at the expense of the water consumer and shall be performed by a person approved by the Board of Public Affairs as qualified to inspect, test, and overhaul backflow prevention devices.

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- C. Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer, without delay.
- D. The water consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections and repairs. Records of inspections, tests, repairs and overhauls shall be submitted to the Superintendent of Water within 30-days after a test or repair of a device is completed.
- E. Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent of Water.

Section 11. BOOSTER PUMPS

- A. Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the section side of the pump drops to ten pounds per square inch or less.
- B. It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Board of Public Affairs at least once a year that the device is operable.

Section 12. VIOLATIONS

- A. The Board of Public Affairs shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested and maintained in a manner acceptable to the Board of Public Affairs, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises or if a low pressure shut-off required by these regulations is not installed and maintained in working order.
- B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Board of Public Affairs.

SECTION 7. That it is hereby enacted that the Board of Public Affairs of the Village of Pemberville shall have the right to require a new tap, including payment of then established tap charge, for any illegal taps which are discovered during the course of the enforcement of this Ordinance, or said Board of Public Affairs may, at its election, charge a minimum usage charge for any additional taps which were unknown for water and/or sewage usage flowing through any such illegal or unauthorized taps. Only one such remedy or charge shall be elected by said Board of Public Affairs. If the violating property owner fails to pay either the tap charge or the minimum usage charge for the duration of the illegal tap, then said Board of Public Affairs shall have the right to remove any such illegal taps which are found as set forth in this Ordinance.

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SECTION 8. This Ordinance shall take effect from and after its passage at the earliest period allowed by law.

Passed: September 1, 2009

James R. Opelt
Mayor

ATTEST:

Stephanie G. Bowe
Clerk/Treasurer

First Reading 08 04 09

Second Reading 08 18 09

Third Reading 09 01 09

CLERK'S CERTIFICATION AS TO PUBLICATION

This is to certify that publication of the foregoing ordinance was made by posting certified copies thereof in five (5) public places, said posting having been accomplished on the following date: _____, 2009.

Clerk/Treasurer

CLERK'S CERTIFICATION AS TO AUTHENTICITY

I hereby certify that the foregoing is a true copy of the aforesaid Ordinance No. 1449, together with a true and accurate record of the adoption by the Village of Pemberville, Ohio

Stephanie G. Bowe
Clerk/Treasurer