**ORDINANCE 17-1362**

AN ORDINANCE OF THE CITY OF WOODBURN, INDIANA COMMON COUNCIL

DESCRIBING CROSS-CONNECTION/BACKFLOW PARAMETERS

REPEALING AND REPLACING ORDINANCE G-91-1048

WHEREAS, Indiana Department of Environmental Management (“IDEM”) has found the City’s current ordinance regarding cross-connection and backflow management to be insufficient for Indiana standards;

WHEREAS, IDEM has been informed by the City of Woodburn in a written correspondence that a more detailed, thorough set of guidelines will be approved by the end of 2017;

 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WOODBURN AS FOLLOWS:

**INSTALLATION OF BACKFLOW PREVENTION ASSEMBLY**

 No cross-connections or conditions, which might permit potentially the backflow of contaminants and/or pollutants from a customer/user’s piping system into the public water distribution system shall be permitted. An approved backflow prevention assembly shall be installed on each service line to a customer'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.

**TYPE OF PROTECTIVE ASSEMBLY**

The type of protective assembly required shall depend upon the degree of hazard which exists as follows:

   (A)   In the case of any premises where there is an auxiliary water supply, the public water system shall be protected by an approved air gap separation or an approved reduced pressure principle backflow prevention assembly;

  (B)   In the case of any premises where there is water or a substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly;

   (C)   In the case of any premises where there is any material dangerous to health such as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include, but are not limited to sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants;

 (D)   In the case of any premises where there are uncontrolled cross-connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly at the service connection;

   (E)   In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly on each service to the premises;

   (F)   In the case of any premises having a lawn irrigation system, the public water system shall be protected by an approved pressure vacuum breaker backflow prevention assembly or an approved reduced pressure principle backflow prevention assembly;

   (G)   In the case of any premises having a fire service line, the public water supply system shall be protected by an approved double detector check valve assembly;

   (H)   All other premises not covered in divisions (A) through (G) shall be required to install a non-testable dual check valve assembly for the protection of the public water system; and

 (I) Existing installations are not exempt from current rules and regulations in this subchapter.

**APPROVAL OF BACKFLOW PREVENTION ASSEMBLY**

 Any backflow prevention assembly required herein shall be a model and size approved by the City of Woodburn. 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 (AWWA) entitled "AWWA C506-84 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices". Said assembly shall meet the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research (FCCC&HR) of the University of Southern California established by Specifications of Backflow Prevention Assemblies - Section 10 of the most current issue of the MANUAL OF CROSS-CONNECTION CONTROL. Final approval shall be evidenced by a Certificate of Approval issued by an approved testing laboratory certifying full compliance with the said AWWA standards and FCCC&HR specifications.

**DUTY TO TEST AND REPAIR**

It shall be the duty of the customer/user at any premises where backflow prevention assemblies are installed as referenced within this Ordinance under ‘Type of Protective Assembly’ sections (A) through (G), to have certified inspections and operational tests made upon installation and at least once per year. In those instances where the City of Woodburn superintendent deems the hazard to be great enough, the superintendent may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by a certified tester approved by the State of Indiana. It shall be the duty of the customer to see that these tests are made in a timely manner. If a customer/user does not have its backflow prevention assembly tested within 30 days of the testing due date, the City of Woodburn may discontinue water service to the premises to maintain the safety of the public water system. These assemblies shall be repaired, overhauled or replaced at the expense of the customer/user whenever said assemblies are found to be defective. Records of such tests, repairs and overhaul shall be kept by the customer/user and a copy furnished to the City of Woodburn at: City of Woodburn c/o Utility Superintendent, 22735 Main Street, PO Box 665, Woodburn, IN 46797.

**PENALTY**

 (A)   In the event a person is found to be in compliance with guidelines established within this Ordinance and, upon subsequent inspection is found not to be in compliance, the person shall be liable for a sum equal to $500, unless that person is able to show proof of having remedied all previous non-compliance to the City of Woodburn superintendent within 10 days of initial finding.

  (B)   In the event a person is found to be in a state of noncompliance a second or subsequent time, the person shall be liable for a sum equal to $1000 per instance.

All parts of previous Ordinances in conflict herewith are repealed to the extent of said conflict.

This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

No part of this Ordinance shall be interpreted to conflict with any local, state, or federal laws and all reasonable efforts should be made to harmonize the same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Adopted and Resolved this 18th day of December, 2017.

**WAIVER OF SECOND READING**

 On motion duly made and seconded, the second reading of the foregoing Ordinance was unanimously waived. After a motion to adopt the Ordinance was properly made, the results of which are below, the Ordinance was deemed effective as of the date of passage due to a majority vote of yea and approval of the Mayor.

**COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA**

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

 Daniel Watts, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

 Mike Voirol, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

 Dean Gerig, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

 John Renner, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

 Michael Martin, Councilman

ATTEST:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Timothy Cummins, Clerk-Treasurer

The foregoing ordinance passed by the Council is signed and approved ( ) / not approved ( ) by me on the same date.

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Joseph Kelsey, Mayor for the City of Woodburn