

ORDINANCE NO. 22-02

AN ORDINANCE ENACTING TITLE 15, CHAPTER 15-02, "WATER SERVICE," ARTICLE 15-0218 – PROTECTION OF WATER DISTRIBUTION SYSTEM OF THE REVISED ORDINANCES OF THE CITY OF HEBRON, MORTON COUNTY, NORTH DAKOTA OF 1971.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEBRON, MORTON COUNTY, NORTH DAKOTA, AS FOLLOWS:

1. That Section 15-0218 is hereby enacted and added to Title 15, Chapter 15-02 of the Revised Ordinances of the City of Hebron, Morton County, North Dakota of 1971 as follows:

15-0218 Protection of Water Distribution System

1. Authority:

In order to protect the public water system from contaminants or pollutants that could enter the distribution system from contaminants or pollutants that could enter the distribution system by backflow from a customer's water supply system through the service connection, the City of Hebron shall have the following authority:

- a. to survey all service connections within the distribution system if the connection is a cross connection;
- b. to control all service connections within the distribution system if the connection is a cross connection;
- c. to control any service connections within the distribution system in lieu of a survey if the service connection is controlled with an air gap or reduced pressure zone backflow prevention assembly; and
- d. to collect fees for the administration of this program.

The public water system shall maintain records of cross-connection surveys and the installation, testing, and repair of all backflow prevention assemblies installed for containment and containment by isolation purposes. Except as otherwise provided herein, the public water system shall administer, implement, and enforce the provisions of this section.

2. Applicability:

This section applies to all commercial, industrial, and multi-family residential service connections within the public water system and to any persons outside the City who are, by contract or agreement with the public water system, users of the public water system. This section does not apply to single-family-residential service connections unless the public water system becomes aware of a cross connection at the single-family connection.

3. Definitions:

- a. "Active Date" means the first day that a backflow prevention assembly or backflow prevention method is used to control a cross-connection in each calendar year.

- b. "Air Gap" is a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel installed in accordance with standard ASMA A112.1.2.
- c. "Backflow" means the undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the public water systems distribution system from any source or sources other than its intended source.
- d. "Backflow Contamination Event" means backflow into a public water system from an uncontrolled cross connection such that the water quality no longer meets the North Dakota Primary Drinking Water Regulations or presents an immediate health and/or safety risk to the public.
- e. "Backflow Prevention Assembly" means any mechanical assembly installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the mechanical assembly is appropriate for the identified contaminant at the cross connection and is an in-line field-testable assembly.
- f. "Backflow Prevention Method" means any method and/or non-testable device installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the method or non-testable device is appropriate for the identified contaminant at the cross connection.
- g. "Certified Cross-Connection Control Tester or Repairer" means a person who possesses a valid Backflow Prevention Assembly Tester certification from one of the following approved organizations: American Society of Sanitary Engineering (ASSE) or the American Backflow Prevention Association (ABPA). If a certification has expired, the certification is invalid.
- h. "Containment" means the installation of a backflow prevention assembly or a backflow prevention method at any connection to the public water system that supplies an auxiliary water system, location, facility, or area such that backflow from a cross connection into the public water system is prevented.
- i. "Containment by Isolation" means the installation of backflow prevention assemblies or backflow prevention methods at all cross connection into the public water system is prevented.
- j. "Controlled" means having a properly installed, maintained, and tested or inspected backflow prevention assembly or backflow prevention method that prevents backflow through a cross connection.
- k. "Cross Connection" means any connection that could allow any water, fluid, or gas such that the water quality could present an unacceptable health and/or safety risk to the public, to flow from any pipe, plumbing fixture, or a customer's water system into a public water system's distribution system or any other part of the public water system through backflow.
- l. "Multi-Family" means a single family residential connection to the public water system's distribution system from which two or more separate dwelling units are supplied water.
- m. "Single-Family" means:
 - i. A single dwelling which is occupied by a single family and is supplied by a separate service line; or
 - ii. A single dwelling comprised of multiple living units where each living unit is supplied by a separate service line.

- n. "Uncontrolled" means not having a properly installed and maintained and tested or inspected backflow prevention assembly or backflow prevention method, or the backflow prevention assembly or backflow prevention method does not prevent backflow through a cross connection.
- o. "Water Supply System" means a water distribution system, piping, connection fittings, valves and appurtenances within a building, structure, or premises. Water supply systems are also referred to commonly as premise plumbing systems.

4. Requirements

- a. Commercial, industrial, and multi-family service connections shall be subject to a survey for cross connections. If a cross connection has been identified, an appropriate backflow prevention assembly and or method shall be installed at the customer's water service connection within 60 days of its discovery. The assembly shall be installed downstream of the water meter or as close to that location as deemed practical by the public water system. If the assembly or method cannot be installed within 60 days, the public water system must take action to control or remove the cross connection, suspended service to the cross connection or received an alternative compliance schedule from the North Dakota Department of Environmental Quality.
- b. In no case shall it be permissible to have connections or tees between the meter and the containment backflow prevention assembly. In instances where a reduced pressure principle backflow preventer cannot be installed, the owner must install approved backflow prevention devices or methods at all cross connections within the owner's plumbing system.
- c. Backflow prevention assemblies and methods shall be installed in a location which provides access for maintenance, testing, and repair.
- d. Reduced pressure principle backflow preventers shall not be installed in a manner subject to flooding.
- e. Provisions shall be made to provide adequate drainage from the discharge of water from the discharge of water from reduced pressure principle backflow prevention assemblies. Such discharge shall be conveyed in a manner which does not impact waters of the state.
- f. All assemblies and methods shall be protected to prevent freezing. Those assemblies and methods used for services may be removed in lieu of being protected from freezing. The assemblies and methods must be reinstalled and then tested by a certified cross connection control technician upon reinstallation.
- g. Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, a device for controlling pressure shall be installed.
- h. All backflow prevention assemblies shall be tested at the time of installation and on an annual schedule thereafter. Such tests must be conducted by a Certified Cross Connection Control tester or repairer.
- i. The public water system shall require inspection, testing, maintenance and as needed repairs and replacement of all backflow prevention assemblies and methods, and of all required installations within the owner's plumbing system in the cases where containment assemblies and or methods cannot be installed.

- j. All costs for design, installation, maintenance, testing, and as needed repair and replacement are to be borne by the customer.
- k. No grandfather clauses exist except for fire sprinkler systems where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system.
- l. For new buildings, all building plans must be submitted to the public water system and approved prior to the issuance of water service. Building plans must show:
 - i. Water service type, size, and location
 - ii. Meter size and location
 - iii. Backflow prevention assembly size, type, and location
 - iv. Fire sprinkler system(s) service line, size, and type of backflow prevention assembly
 - 1) All fire sprinkling lines shall have a minimum protection of an approved double check valve assembly for containment of the system.
 - 2) All glycol (ethylene or propylene) or antifreeze systems shall have an approved reduced pressure principle backflow preventer for containment.
 - 3) Dry fire systems shall have an approved double check valve assembly installed upstream of the air pressure valve.
 - 4) In cases where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system the public water system can choose to not require the backflow protection. The public water system will measure chlorine residual at location representative of the service connection once a month and perform periodic bacteriological testing at the site. If the public water system suspects water quality issues the public water system will evaluate the practicability of requiring that the fire sprinkler system be flushed periodically.

5. Inspection, Testing, and Repair

- a. Backflow prevention assemblies or methods shall be tested by a Certified Cross Connection Control Technician upon installation and tested at least annually, thereafter. The tests shall be made at the expense of the customer. Any backflow prevention assemblies or methods that are non-testable, shall be inspected at least once annually by a certified cross connection control technician. The inspections shall be made at the expense of the customer.
- b. As necessary, backflow prevention assemblies or methods shall be repaired and retested or replaced and tested at the expense of the customer whenever the assemblies or methods are found to be defective.
- c. Testing gauges shall be tested and calibrated for accuracy at least once annually.

6. Reporting and Recordkeeping

- a. Copies of records of test reports, repairs and retests, or replacements shall be kept by the customer for a minimum of three (3) years.
- b. Copies of records of test reports, repairs, and retests shall be submitted to the public

water system by mail, facsimile, or e-mail by the testing company or testing technician.

- c. Information on test reports shall include, but may not be limited to:
 - i. Assembly or method type
 - ii. Assembly or method location
 - iii. Assembly make, model, and serial number
 - iv. Assembly size
 - v. Test date
 - vi. Test results, including all results that would justify a pass or fail outcome
 - vii. Certified cross connection control technician certification agency
 - viii. Technician's certification number
 - ix. Technician's certification expiration date
 - x. Test kit manufacturer, model, and serial number
 - xi. Test kit calibration date

7. Right of Entry

A properly credentialed representative of the public water system shall have the right of entry to survey all buildings and premises for the presence of cross connections for possible contamination risk and for determining compliance with this section. This right of entry shall be a condition of water service in order to protect the health, safety, and welfare of customers throughout the public water system's distribution system.

8. Compliance

- a. Customers shall cooperate with the installation, inspection, testing, maintenance, and, as needed, repair and replacement of backflow prevention assemblies and with the survey process. For any identified uncontrolled cross connections, the public water system shall complete one of the following actions within 120 days of its discovery:
 - i. Control the cross connection
 - ii. Remove the cross connection
 - iii. Suspend service to the cross connection
- b. The public water system shall give notice in writing to any owner whose plumbing system has been found to present a risk to the public water system's distribution system through an uncontrolled cross connection. The notice and order shall state that the owner must install a backflow prevention assembly or method at each service connection to the owner's premises to contain the water service. The notice and order will give a date by which the owner must comply. In instances where a backflow prevention assembly or method cannot be installed, the owner must install approved backflow prevention assemblies or methods at all cross connections within the owner's water supply system. The notice and order will give a date by which the owner must comply.

9. Violations and Penalties

Any violation of the provisions of this ordinance shall, upon conviction, be punishable, as provided in all applicable statutes, laws, and regulations.

10. Conflict with Other Codes

If a dispute of conflict arises between the North Dakota Plumbing Code, as adopted herein, and any plumbing, mechanical, building, electrical, fire, or other code adopted by the State, then the most stringent provisions of each respective code shall prevail.

2. SEVERABILITY

All ordinances or parts of ordinances in conflict herewith are hereby rescinded and repealed.

3. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its final passage.

4. SAVINGS CLAUSE

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.


GRANT WALTH, Mayor

ATTEST:


ERIN McCUTCHAN, City Auditor

Introduction and First Reading: March 14, 2022

Second Reading: May 9, 2022

Final Passage: May 9, 2022

Publication: Not Required