

11/18/13

AGENDA ITEM SUMMARY

DATE: 11/04/2013 DEPARTMENT: PW - Water DEPT. HEAD SIGNATURE: [Signature]

SUBJECT: Public Hearing and timeline on proposed Cross Connection Ordinance (Continued from 8/26/13 meeting)

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

This Ordinance was first considered on June 17, 2013 and a first reading conducted. On July 1, 2013 the ordinance was brought back for further public hearing and tabled to allow staff time for further research. This Ordinance was considered again on August 26, 2013 and was continued to the second meeting in October. It was further continued to the first meeting in November.

The Ordinance included is from the July 1 meeting. Should City Council wish to place the responsibility of an annual inspection on the property owners this ordinance would be ready for adoption. However, if the choice is to either have city employees conduct the tests or to contract this service out on a city-wide basis then the ordinance will need some further revision and a method of setting up fees would need to be developed.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	_____
___ Safety Committee	___ P & Z Commission	___ Police	_____
___ Streets	___ Public Works, Parks	___ Mayor	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

11/2/13 Motion to approve Ordinance 1140, conduct the first reading by title only.
11/18/13 - 2nd Reading

FOLLOW-UP REMARKS:

HAILEY ORDINANCE NO. 1140

AN ORDINANCE OF THE CITY OF HAILEY AMENDING, SECTION 13.04.060 OF THE HAILEY MUNICIPAL CODE, TO PROVIDE FOR THE INSTALLATION AND MAINTENANCE OF BACKFLOW PREVENTION DEVICES AND FOR INSPECTION; BY PROVIDING FOR A REPEALER CLAUSE; BY PROVIDING FOR A SEVERABILITY CLAUSE AND BY PROVIDING AN EFFECTIVE DATE AFTER JANUARY 1, 2014.

WHEREAS, the Mayor and the City Council of the City of Hailey wish to amend the Hailey Municipal Code to ensure the safety of the City of Hailey water supply, to comply with state mandated water regulations, and to allow residents adequate time to comply with state mandated regulations; and

WHEREAS, the Mayor and City Council find that the amendments to the Chapter will further the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 13.04.060 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

13.04.060 Cross connections. By adopting this Section, the City hereby establishes and will implement a Cross Connection program to prevent the entrance to the Municipal Water System of materials known to be toxic or hazardous in accordance with the standards for Cross Connections set forth in the shall adhere to Idaho Administrative Code, IDAPA 58.01.08 – Idaho Rules for Public Drinking Water Systems, as amended (“Cross Connection Standards”).

- A. Cross Connections Prohibited. The installation or maintenance of a Cross Connection is hereby prohibited. Any such Cross Connection now existing is declared a nuisance and shall be removed or abated upon order of the City. Failure to remove a Cross Connection or install an approved Backflow Prevention Device as ordered within ten (10) days of the order shall result in discontinuance of municipal water service until compliance is made.
- B. Backflow Prevention Devices. Any facility requiring a Backflow Prevention Device shall follow the requirements of the Cross Connection Standards Idaho Administrative Code, IDAPA 58.01.08, Subsection 900.02 (Table 2), as amended. The minimum required Backflow Prevention Device shall be require a testable double check valve.
- C. Inspections of Existing Buildings, Structures or Improvements. Inspections by the City or its authorized agent, bearing proper credentials and identification, may be made of any existing building, structures or improvements of any nature receiving water from the municipal wWater Systems supply. The City Water Division Manager Superintendent or his authorized agent shall make an inspection of any property, building, improvement or structure of any nature receiving water from the mMunicipal wWater System supply if there appears probable cause to believe that a Cross Connection exists or that a Backflow Prevention Device should be installed.

D. Required Installations. Backflow Prevention Devices shall be installed at the Owner's expense at the ties on the premises or within any premises where, in the judgment of the City, the nature and extent of activities or the materials stored on the premises would present an immediate and dangerous hazard to health and/or be deleterious to the quality of the water should a Cross Connection occur, even though such Cross Connection does not exist at the time. In such circumstances, Backflow Prevention Devices may be required in the following premises:

1. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is in compliance with the Cross Connection Standards and are acceptable to the City.
2. Premises having internal Cross Connections that are not correctable, or intricate plumbing arrangements which make it impracticable to ascertain whether Cross Connections exist.
3. Premises having a repeated history of Cross Connections.
4. Premises on which any substance is handled under pressure so as to permit entry into the Municipal Water System or where a Cross Connection could reasonably be expected to occur, including the handling of process waters and cooling waters.
5. Premises where materials of a toxic or hazardous nature are handled in such a way that if back siphonage should occur, a health hazard might result.
6. The following premise, unless the City and/or a health officer determine that no hazard exists:
 - a. Hospitals, mortuaries, clinics.
 - b. Laboratories.
 - c. Metal plating industries.
 - d. Sewage treatment plants.
 - e. Food or beverage processing plants.
 - f. Chemical plants using a water process.
 - g. Petroleum processing or storage plants.
 - h. Radioactive material processing plants or nuclear reactors.
 - i. Dry Cleaners
 - j. Others as specified by the health officer.
7. Other premises where Backflow Prevention Devices are reasonably required to protect the Municipal Water System.
8. Under circumstances set forth in this subsection, the City shall have the right to require a reduced pressure principle Backflow Prevention Device or a proper air gap separation to be installed at the property line.

E. Minimum Backflow Prevention Device. The type of Backflow Prevention Device required to be installed conform with the requirements of the Cross Connection Standards and shall depend on the degree of hazard which exists.

1. An air gap separation and/or a reduced pressure principle Backflow Prevention Device shall be installed where the Municipal Water System may be contaminated with sewage, industrial waste of a toxic nature, or other contaminant which could cause a health or system hazard.
2. In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air gap separation, or a reduced pressure principle Backflow Prevention Device shall be installed.
3. Where lawn sprinkling systems using the Municipal Water System are installed, double check valve assembly, reduced pressure principle Backflow Prevention Device, or an air gap separation shall be installed.

F. Installation. Backflow Prevention Devices required by this section (with the exception of fire sprinkler or standpipe systems) shall be installed at the Water Meter no closer than five feet (5') from the property line of the premises, or at a location approved by the City. The device shall be located so as to be readily accessible for maintenance, inspection and testing, and where no part of the device shall be submerged.

G. Annual Testing Required. Backflow Prevention Devices required by this chapter shall be installed under a permit issued by the City, and shall not be used until the same is tested by the installer and reported to the City, and inspected and approved by qualified City personnel. There shall be no charge for the permit and inspection by the City prior to approval of the installation. Thereafter, the Owner shall have such Backflow Prevention Device tested by a certified backflow prevention tester annually. Such testing, together with all maintenance and repair of such device, shall be at the Owner's expense and shall be completed by no later than August 1 of each year. All Backflow Prevention Devices shall be tested by a certified backflow prevention device tester at the Owner's expense. Whenever a device does not pass an annual test or is found to be defective, the devices shall, at the Owner's expense, be repaired, replaced, or isolated within ten (10) business days. Failure of the Owner to comply with the rules for installation, maintenance, repair, replacement, isolation, testing or inspection of Backflow Prevention Devices required by this Section shall be grounds for the termination of water service to the premises.

H. Approved Backflow Preventive Devices. Any Backflow Preventive Device required by this Section shall conform with the requirements of the Cross Connection Standards. These devices shall be furnished and installed by and at the expense of the Owner.

I. Irrigation Systems. No irrigation system shall be installed without adequate Backflow Prevention Devices at the point from which the water for irrigation is taken from the Municipal Water System, or at a location approved by the City.

J. Fire Sprinkler Protection Systems and Fire Hydrants. All existing fire sprinkler or standpipe protection systems shall have an approved Backflow Prevention Device installed and tested

by a licensed fire sprinkler installer. Failure to properly install or maintain the device may result in daily fines as provided for by the International Fire Code and the Hailey Municipal Code. Any termination of water supply to a required fire sprinkler or standpipe system will prevent the continued occupancy or use of the building until the water supply is re-established. Fire sprinkler and standpipe systems shall typically be installed on a separate water supply line prior to any Water Meter. No connection will be made to any Fire Hydrant by any person without having first received the permission of the City, except for firefighting purposes.

K. Private Water System. No person shall make or permit the Cross Connection of any Private Water System to a water line that is served by the Municipal Water System except as provided in this chapter. Whenever an Owner connects to the Municipal Water System, the Owner at Owner's expense shall physically disconnect any Private Water System from the Municipal Water System in such a manner that water from a Private Water System will never pass through the same pipes that carry water from the Municipal Water System, except as may be approved by the City and health officer.

Section 2. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 3. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 4. This Ordinance shall be in full force and effect on January 1, 2014 and after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this ___ day of December, 2013.

Fritz X. Haemmerle, Mayor
City of Hailey

ATTEST:

Mary Cone, City Clerk