

ORDINANCE NO. 232

AN ORDINANCE OF THE CITY OF CLARK FORK, IDAHO PROVIDING FOR THE ESTABLISHMENT OF A WATER SYSTEM CROSS CONNECTION POLICY FOR THE CITY OF CLARK FORK; PROVIDING FOR A TITLE; PROVIDING FOR THE PURPOSE AND SCOPE; PROVIDING FOR DEFINITIONS; PROVIDING FOR PREVENTION OF UNLAWFUL CONTAMINATION OR CROSS CONNECTIONS; PROVIDING FOR PROTECTION OF WATER SUPPLY; PROVIDING FOR USE OF BACKFLOW PREVENTION DEVICES; PROVIDING FOR CROSS CONNECTION INSPECTIONS; PROVIDING FOR THE TYPE OF PROTECTIVE DEVICES REQUIRED; PROVIDING FOR VIOLATIONS AND PENALTIES, INCLUDING MISDEMEANOR CRIMINAL PENALTIES AND PERMITTING MANDATORY DISCONNECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING THAT THE ORDINANCE WILL BE EFFECTIVE UPON PUBLICATION.

BE IT ORDAINED, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CLARK FORK, BONNER COUNTY, IDAHO.

SECTION 1. TITLE

This ordinance shall be known as the City of Clark Fork Cross Connection Ordinance

SECTION 2. PURPOSE AND SCOPE:

The purpose of this ordinance is to protect the public health of water consumers by the control of actual and/or potential cross connections.

SECTION 3. APPLICABILITY

This ordinance applies throughout the City of Clark Fork and by agreement outside the City of Clark Fork to every premises and the owners and occupants thereof served by the water system of the City of Clark Fork. It applies to all systems installed prior to or after its enactment. Every owner and occupant of any premises covered by this ordinance is responsible for compliance with its terms and shall be strictly liable for all damage incurred as a result of failure to comply with the express terms and provisions contained herein.

SECTION 4. DEFINITIONS:

As used in this ordinance, unless the context otherwise requires, the following words and terms shall have the meanings ascribed to them in this Section:

4.1. **BACKFLOW:** The flow, other than the intended direction of flow, of any foreign liquids, gases or substances into the distribution system of a public water supply as a result of reduced or reversed pressure.

4.2. **BACKFLOW PREVENTION DEVICE:** A device which, when properly installed between the City water supply system and the terminus or point of ultimate use, will prevent backflow.

4.3. CONTAMINATION: The entry into or presence in a public water supply of any substance, which may be deleterious to health and/or quality of the water.

4.4. CROSS CONNECTION: Any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device which contains or may contain contaminated water, sewage or other waste or liquids of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow.

4.5. PUBLIC WATER SUPPLY: Any system of water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities, where water is furnished to any collection or number of individuals or is made available to the public for human consumption or domestic use.

4.6. AIR GAP (AG): Air gap separation means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to tank, plumbing fixture, or other device and the flood level rim of the receptacle, and must be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel. In no case may the gap be less than one inch.

4.7. REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY (RPBA): An assembly incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, two resilient seated shutoff valves, one located at each end of the assembly and equipped with properly located resilient seated test cocks for testing. The assembly must operate to maintain the pressure in the zone between the two check valves, less than the pressure on the public water system side of the assembly. At cessation of normal flow, the pressure between the check valve must be less than the supply pressure. In case of leakage of either check valve the differential relief valve must operate to maintain the reduced pressure by discharging to the atmosphere. When the inlet pressure drops below two pounds per square inch, the relief valve must open to the atmosphere thereby providing an atmospheric zone between the two check valves.

4.8. DOUBLE CHECK VALVE ASSEMBLY (DCVA): An assembly composed of two single, independently acting check valves, including resilient seated tightly closing shutoff valves located at each end of the assembly and equipped with properly located resilient seated test cocks for testing the watertightness of each check valve.

SECTION 5. UNLAWFUL CONTAMINATION OR CROSS CONNECTIONS:

It is unlawful for the owner, tenant, occupant, lessee or other user of City water to introduce or permit the introduction of pollution or contamination of any kind into the City water supply system. It is unlawful for any person to install or maintain any cross connection within the City of Clark Fork.

SECTION 6. PROTECTION OF WATER SUPPLY:

No water service connection to any premises shall be installed or continued in use within the City of Clark Fork unless the water supply is protected by backflow prevention devices whenever required by this ordinance or by rules or standards adopted by the State of Idaho. The installation or maintenance of a cross connection which will endanger the water quality of the potable water supply of the City shall be unlawful and is prohibited and shall be penalized as a violation of this ordinance as hereinafter provided. The control or elimination of the cross connections shall be in accordance with this ordinance and the latest edition of appropriate manuals of standard practice pertaining to the cross connection control approved by the State. (or regulations set down in IDAPA 16.01.08601,04.a, together with the latest edition of appropriate manuals of standard practice pertaining to cross connection control.)

SECTION 7. USE OF BACKFLOW PREVENTION DEVICES:

Backflow prevention devices shall be installed by the property owner, tenant, occupant, lessee or other user of City water where the nature and extent of the activities conducted or materials used or stored on the premises would present an immediate and dangerous hazard to health and/or be potentially deleterious to the quality of the City water supply. Should a cross connection occur, even though such cross connection does not exist at present, a backflow prevention device shall be installed under circumstances including, but not limited to, the following:

7.1. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the City of Clark Fork.

7.2. Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impracticable to ascertain whether or not cross connections exist.

7.3. Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at a sufficiently short notice to assure that cross connections do not exist.

7.4. Premises having a repeated history of cross connections being established or re-established.

7.5. Premises on which any substance is handled under pressure so as to permit entry into the public water supply or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.

7.6. Premises having pumps or pumping devices which may affect the pressure within any line connected to the City water supply.

7.7. Premises where materials of a toxic or hazardous nature are handled in such a manner that, if back siphonage should occur, a serious health hazard might result.

7.8. Other premises, as determined by the City of Clark Fork or by the rules established by the State of Idaho, where backflow prevention devices are required to protect the public water supply.

SECTION 8. CROSS CONNECTION INSPECTIONS:

Upon passage of this ordinance, any existing buildings, structures or improvements of any nature now receiving water through the City's system may be inspected by the City of Clark Fork for the purpose of ascertaining whether cross connections exist.

8.1. If backflow prevention devices are found to be necessary, the property owner shall have the required device installed and inspected within a period of three (3) months following the date of notification from the City of Clark Fork. Upon installation of such a device, property owners will be required to hire a licensed, American Waterworks Association (AWWA) certified tester to inspect the backflow prevention device. Within 30 days of the date of the inspection, the AWWA licensed tester, or property owner, must submit, in writing, the results of this test to the City of Clark Fork.

8.2. Subsequently, all existing buildings, structures or improvements of any nature, after having a backflow prevention device installed, and still receiving water through the City's system, will be required to have annual inspections by an AWWA licensed tester, and provide results of the inspection within 30 days of the inspection date to the City of Clark Fork.

8.3. Whenever the backflow prevention devices are found to be defective, they shall be repaired, overhauled or replaced at the customer's expense within no more than 30 days of the date of inspection.

8.4. No water shall be delivered to any structure hereafter built within the City or within areas served by City water until the same shall have been inspected by the City of Clark Fork for possible cross connections and have been approved as being free of the same.

8.5 Any structure hereafter built within the City or within areas served by City water requiring backflow prevention devices shall adhere to the same rules as set forth in subsections 8.1, 8.2 and 8.3.

SECTION 9. TYPE OF PROTECTIVE DEVICES REQUIRED.

The type of protective device required shall depend on the degree of hazard that exists.

9.1. Backflow prevention devices required by this ordinance shall be in accordance with the types of devices specified in the latest edition of appropriate manuals of standard practice pertaining to the cross connection control approved by the State.

9.2. An air-gap separation or a reduced pressure principle backflow prevention device shall be installed where the public water supply may be contaminated with sewage, industrial waste of a toxic nature or other contaminant which could cause a health or system hazard.

9.3. 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.

9.4. Backflow prevention devices required by this ordinance shall be installed at the meter, at the property line of the premises when meters are not used or at a location designated by the City of Clark Fork. The device shall be located so as to be readily accessible for maintenance and testing and furthermore, where no part of the device will be submerged.

9.5. No underground sprinkling device will be installed without adequate backflow prevention devices at the point from which the water for irrigation is taken from the public water supply. Such sprinkler lines shall be connected only to metered private water service lines.

SECTION 10. VIOLATIONS AND PENALTIES:

If a customer fails to cooperate in the installation, maintenance, testing, repair or inspection of backflow prevention devices required by this ordinance, then delivery of water to the property may be discontinued until the deficiency is corrected to the City of Clark Fork's satisfaction. Delivery of water to the property may also be discontinued in the event an improper cross connection is not corrected by a customer within the time limits set by this ordinance. If contamination of the City's water system occurs as a consequence of a system user failing to comply with provisions of this ordinance, the user shall be responsible for all costs of decontamination and remediation of the damage caused thereby. Any violation of this ordinance, or standards incorporated by this ordinance, shall be subject to misdemeanor criminal penalties including a fine of up to \$300 per day and incarceration for up to six (6) months for each violation. Each day of noncompliance may be considered a separate violation. Any violation of this ordinance may also be sanctioned by mandatory disconnection from the city water system.

SECTION 11. SEVERABILITY:

The provisions of this ordinance are hereby declared to be severable and if any provision to a person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this ordinance.

SECTION 12. EFFECTIVE DATE:

This ordinance shall be effective upon its passage and publication as provided by law.

PASSED under suspension of the rules upon which a roll call vote was duly taken, and enacted by the City Council as an ordinance of the City of Clark Fork on the 9th day of Dec., 2002.

APPROVED by the Mayor, this 9th day of December, 2002.

ATTEST:

Elizabeth A. Parenti
Elizabeth Parenti
City Clerk

CITY OF CLARK FORK

Thomas A. Shields
Thomas A. Shields, Mayor

SUMMARY OF ORDINANCE NO. 232

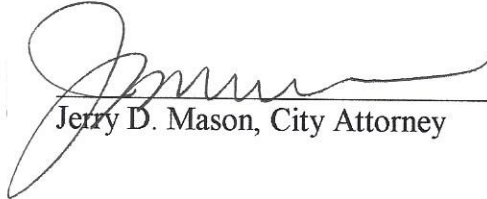
The City of Clark Fork, Bonner County, Idaho, hereby gives notice of the adoption of Clark Fork Ordinance No. 232, an ordinance of the City of Clark Fork, Idaho, a municipal corporation of the State of Idaho, establishing a water system cross connection policy; providing a title; providing purpose, scope, applicability and definitions; providing for prevention of unlawful contamination or cross connections; providing for protection of the water supply; providing for use of backflow prevention devices; providing for cross connection inspections; providing for type of protective devices required; providing for violations and penalties, including misdemeanor criminal penalties and permitting mandatory disconnection; providing for severability; and providing that the ordinance will be effective upon publication of this summary. The full text of the summarized Ordinance No. 232 is available at Clark Fork City Hall, 110 E. 3rd Avenue, Clark Fork, Idaho 83811 in the office of the City Clerk between 8:00 AM and 12:00 Noon weekdays.

Elizabeth Parenti, City Clerk

Publish once in the City's official newspaper (Daily Bee)

STATEMENT OF LEGAL ADVISER

I, Jerry D. Mason, am the City Attorney for the city of Clark Fork, Idaho. I have examined the attached summary of Clark Fork Ordinance No. 232 and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.


Jerry D. Mason, City Attorney

Date 12/10/02

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, Sherilyn Jones

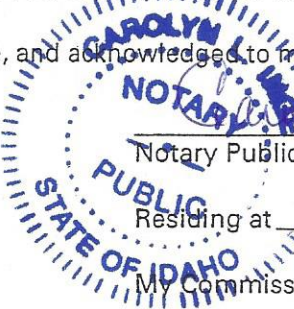
_____ being first duly sworn on oath
deposes and says that he/she is Bookkeeper

of the Bonner County Daily Bee, a newspaper printed and
published at Sandpoint, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

Ord # 232

as it was published in the regular and entire issue of the
said paper for a period of 1 day consecutive weeks,
commencing on 13 day of Dec., 20 02
and ending on the 13 day of Dec., 20 02
and that said notice was published in said newspaper.

On this 13 day of Dec. in the year
of 2002, before me, a Notary Public, personally
appeared Sherilyn Jones,
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me
first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.



Carolyn R. Inge
Notary Public for Idaho
Residing at Sandpoint
My Commission expires: 8/06

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NO. 232**
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Elizabeth Parenti, City Clerk
Legal 3953
Dec. 13, 2002