

ORDINANCE NUMBER 9-08-01: CROSS-CONNECTION PROTECTION PROGRAM

**BUCKINGHAM PARK WATER DISTRICT
COUNTY OF LAKE, STATE OF CALIFORNIA**

ORDINANCE NO. 9-08-01

CROSS –CONNECTION CONTROL PROGRAM

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE BUCKINGHAM PARK WATER DISTRICT AS FOLLOWS:

SECTION 1: AUTHORITY

This ordinance is adopted pursuant to the State of California Code of Regulations, Title 17 – Public Health, entitled “Regulations Relating to Cross-connections.”

SECTION 2: DEFINITIONS

For the purpose of this ordinance, the following words and phrases shall have the following meanings:

- A. “Account” refers to the District’s records of ownership, Customer information, billing, meter history and service supplied by the District to any Premises.
- B. “Customer” means any person or entity that is connected to the District’s water system.
- C. “District” refers to the Buckingham Park Water District.
- D. “Approved Backflow Preventer” is any backflow prevention device approved by the Foundation for Cross-connection Control and Hydraulic Research of the University of Southern California.
- E. “Auxiliary Water Supply” is any water supply or access to any water supply or source other than the Buckingham Park Water District, including but not limited to private wells, swimming pools, hot tubs, spas, decorative fountains, ponds, storage tanks for fire protection, private reservoirs and lake water used for irrigation and/or household use.
- F. “Certified Tester” is a person holding a valid certification from the American Water Works association, California-Nevada Section, or satisfactory completion of the course for the training and Certification of Testers for Backflow Prevention Devices offered by the Foundation for Cross-connection Control and Hydraulic Research, University of Southern California.
- G. “Cross-connection” is any actual or potential connection between the District’s water supply and any Auxiliary Water Supply or any system containing a substance that is not approved as safe, wholesome, and potable.\
- H. “Premises” means any undeveloped or developed lot or parcel within the boundaries of the District.

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- I. "Public Water Supply" is the water supply provided by District.
- J. "User Connection" is the point of connection of a user's piping to the District's water supply.
- K. "Water user" is any person or entity obtaining water from the Buckingham Park Water District.

Section 4: CONDITIONS REQUIRING AN APPROVED BACKFLOW PREVENTER; NEW CONNECTIONS; UPON ESTABLISHMENT OF NEW ACCOUNT; PRIOR TO INSTALLATION OF AUXILIARY WATER SOURCE

A. CONDITIONS REQUIRING APPROVED BACKFLOW PREVENTER

An Approved Backflow Preventer shall be required at the user's connection point for the following types of Premises:

1. Premises having access to an Auxiliary Water Supply or any residents with riparian rights.
2. Premises where substances harmful to health are handled under pressure in a manner that could permit their entry into the public water system. This includes chemical or biological process waters, and water from Public Water Supply that may have deteriorated in sanitary quality.
3. Premises where there is an irrigation system which includes provisions by which fertilizers, herbicides or pesticides are, or can be, injected.
4. Any Premises where the fire system is supplied from the public water system and where either elevated storage tanks or pumps that has the ability to take suction from any auxiliary water source.
5. Premises where there are marine facilities and dockside watering points.
6. Premises where entry is restricted so that inspections for Cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that do not exist.
7. Premises where there is a repeated history of Cross-connections being established or re-established.

B. NEW CONNECTIONS

1. An Approved Backflow Preventer shall be installed whenever a Customer or the owner of any Premises establishes a new connection to the District's water system.

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2. The District shall not install a water meter until an Approved Backflow Preventer has been or can be installed contemporaneously with the installation of the District's water meter.
3. The Customer or owner of the Premises is responsible for all costs associated with the purchase, installation and/or testing of an Approved Backflow Preventer.

C. REQUIREMENT FOR APPROVED BACKFLOW PREVENTER UPON ESTABLISHMENT OF ACCOUNT

1. Notwithstanding any other provision of law or District ordinance, a Customer or the owner or agent of any Premises shall not establish or transfer an Account for water service until an Approved Backflow Preventer has been installed and tested in accordance with the provisions of this ordinance.

D. INSTALLATION OF APPROVED BACKFLOW PREVENTER REQUIRED PRIOR TO INSTALLATION OF AUXILIARY WATER SOURCE

1. Any Water user that adds an Auxiliary Water Supply shall notify the District prior to installation of that auxiliary water system.
2. The user shall have an Approved Backflow Preventer installed and tested by a Certified Tester and shall provide a record of installation and testing to the District prior to installing any auxiliary water source.

SECTION 5: INSTALLATION; INSTALLATION AND TESTING STANDARDS; TESTING; REQUIRED REPORTS; RESPONSIBILITY FOR MAINTENANCE OF BACKFLOW PREVENTERS

A. INSTALLATION NOTIFICATION

1. Upon determination that a backflow preventer is required at a location, the water supplier will notify each water user of such determination and the steps that the Water user must take to comply with this ordinance.
2. Such notification shall be by first class mail, with return receipt requested or by delivering the information to the Water user.
3. In the event the Water user fails or refuses to accept certified mail, notification shall be made by posting a notice at the Premises. Upon such posting, notification is considered complete.
4. The water shall have an Approved Backflow Preventer installed within 15 calendar days of the date of notification.

B. INSTALLATION AND TESTING STANDARDS

1. Every backflow preventer must be installed in accordance with the "Manual of Cross-connection Control Procedures and Practices" prepared by the

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California State Department of Health Services. Sanitary Engineering Section.

2. Backflow preventers shall be tested after they are installed, relocated, or repaired and shall not be put in service unless they are functioning as required.
3. When a backflow preventer is found to be defective, it shall be immediately repaired or replaced.

C. TESTING

1. Each backflow preventer shall be tested during a three-month period between May 1st and July 31st of each calendar year or as specified by District through Resolution.
2. This specified annual test period shall apply regardless of the date within the prior year in which the backflow preventer was tested.
3. The District shall include a reminder of such testing in the water bills mailed in April and June of each year.
4. All testing of backflow preventers shall be by a Certified Tester.

D. REQUIRED REPORTS AND RECORDS

1. The Water user shall file a written report of each test, signed by the Certified Tester, with the water supplier within ten calendar days after each test.
2. Reports of the testing and maintenance of backflow preventers shall be maintained by the water supplier for a minimum of three years.

E. RESPONSIBILITY FOR INSTALLATION, MAINTENANCE AND TESTING OF BACKFLOW PREVENTERS

The District shall not be liable for any costs for the installation, testing, repair, or maintenance of any backflow preventer installed pursuant to this ordinance. All such costs are the sole responsibility of and shall be borne by the Water user.

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SECTION 6: IDENTIFICATION OF POTENTIAL HAZARDS TO PUBLIC WATER SUPPLY; COMPLETION OF SURVEY REQUIRED; FALSE INFORMATION PROHIBITED; EVALUATION REQUIRED; USER REQUIRED TO NOTIFY DISTRICT PRIOR TO INSTALLATION OF AUXILLARY WATER SYSTEM

A. PERIODIC SURVEY TO IDENTIFY POTENTIAL HAZARDS

1. The District shall conduct a periodic survey to identify any Premises where conditions may create a hazard to the Public Water Supply.
2. The survey shall be conducted by mail every fifth year after 2006.
3. The survey shall be mailed to every Premises that has not had an Approved Backflow Preventer installed.

B. COMPLETION OF SURVEY REQUIRED

1. The Water user shall complete and return the survey within 30 days.
2. If, after 30 days, the survey has not been received, it shall be presumed that the Premises require installation of an Approved Backflow Preventer.
3. The Customer shall be notified on the requirements to install an approved backflow prevention device in accordance with the provisions of this ordinance.

C. FALSE INFORMATION PROHIBITED

1. A Customer shall not provide any false or misleading information when completing the survey referenced in subsection B, above.
2. In the event a Customer supplies any false or misleading information, the District shall immediately follow the provisions of subsection A of Section 7 and other applicable provisions of this ordinance.

D. EVALUATION REQUIRED USER REQUIRED TO NOTIFY DISTRICT

1. Based on the responses to the above-described survey, and any other information that the water supplier may have, the water supplier shall evaluate whether a potential health hazard to the Public Water Supply is created as a result of the conditions existing on a user's Premises.
2. Such evaluation may include inspection of the Premises by the Water Master or the Water master's designee during business hours.
3. Denial of access to the Premises shall result in the Premises being classified as requiring the installation of an Approved Backflow Preventer and the appropriate sections of this ordinance shall apply.

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**SECTION 7: IMMEDIATE DISCONTINUANCE OF SERVICE REQUIRED;
DISCONTINUANCE OF SERVICE REQUIRED; PENALTIES AND
FEES**

A. IMMEDIATE DISCONTINUANCE OF SERVICE REQUIRED

1. Notwithstanding any other ordinance or provision of law, the District shall immediately discontinue water service by removing the water meter without prior notice when a Water user is found to have provided false information on a survey when that false information avoids the installation of a backflow preventer.
2. The District shall not resume service until an Approved Backflow Preventer has been installed and tested in accordance with this ordinance.
3. The Customer shall pay all rates, fees, including meter reinstallation fees and penalties by certified check or money order prior to having water service re-established.

B. DISCONTINUANCE OF SERVICE REQUIRED

Notwithstanding any other ordinance or provision of law, when any of the following conditions apply, the District shall discontinue water service after providing the Water user with five days notice:

1. A Water user who has been notified that a backflow preventer must be installed and tested within a specified period and fails to file a written report for the testing of the backflow preventer within ten calendar days after the test period specified in the notice.
2. A water user having a backflow preventer fails to file a written report for the annual Water user testing of their backflow preventer within ten calendar days after the annual test period specified in this ordinance.
3. A properly identified employee or agent of the District is denied right of entry during usual business hours to inspect Premises in the performance of their duty to provide assurance that the continuation of water service to the Premises will not constitute a menace to the health, safety and welfare of other Water users.

C. LATE CHARGES AND FEES

1. Failure to file the annual test report or to ensure filing of the annual test report shall result in a \$125.00 late charge. The fee shall be applied to the water bill that immediately follows the deadline for filing of the annual test report.
2. Filing of a false or misleading survey shall result in a \$250.00 fee.
3. When an auxiliary water source has been installed and the District was not notified prior to the installation of the auxiliary source, a fee of \$175.00 shall be charged.

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4. All late charges and fees under this section shall be applied to the Customer's water bill that immediately follows the event warranting the charging of the fee. The late charges and fees are designed to recover the District's costs of administering this ordinance.

**SECTION 8: CONFLICT WITH OTHER ORDINANCES AND RESOLUTIONS;
EFFECTIVE DATE; POSTING**

A. CONFLICT WITH OTHER ORDINANCES AND RESOLUTIONS

1. This ordinance repeals Ordinance 5-94-1.
2. All other ordinances or resolutions in conflict herewith are repealed to the extent of such conflict and not further except Resolution 08-02-02 shall remain in effect until California Department of Health Services (DHS) of the State of California Compliance Order No. 02-03-04CO-001 and any subsequent order is lifted.

B. SEVERABILITY

If any part of this ordinance is found to be unlawful by a court of competent jurisdiction, only that portion found to be unlawful is null and void. All other sections, subsections and provisions of the ordinance shall remain in full force and effect.

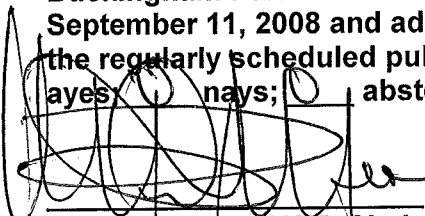
C. EFFECTIVE DATE

This ordinance shall be effective immediately after enacted by the Board of Directors.

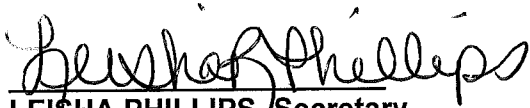
D. POSTING

The Secretary shall post this ordinance in three (3) public places within ten (10) days of adoption.

The foregoing ordinance was introduced before the Board of Directors of the Buckingham Park Water District at the regularly scheduled public meeting on September 11, 2008 and adopted by the following vote on September 25, 2008 at the regularly scheduled public meeting of the Board of Directors by a vote of 11 ayes, 0 nays; 0 abstentions and 0 absences.


MICHAEL B. MEESE, Chair

9/25/08
DATE


LEISHA PHILLIPS, Secretary

9/25/08
DATE

(Seal)