

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. 2 - 1996

**AN ORDINANCE FOR THE CONTROL OF BACKFLOW AND
CROSS CONNECTIONS FOR THE CITY OF VAN BUREN, ARKANSAS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS:

SECTION 1: PURPOSE

The purpose of this ordinance is as follows:

1.1 To protect the public potable water supply of Van Buren, Arkansas from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the consumer's private water system(s), and non-potable water system(s), such contaminants or pollutants which could backflow into the public potable water systems.

1.2 To promote the *elimination or control* of existing cross connections, actual or potential, between the customer's potable water system(s) and nonpotable water systems, plumbing fixtures, and industrial piping systems.

1.3 To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.

SECTION 2: DEFINITIONS When used in this Ordinance, the following terms shall have the stated meanings.

2.1 Administrative Fees - A fee charged by the Van Buren Water and Sewer Department to cover necessary cost of service incurred from operation of the control of backflow and cross connections program.

2.2 Approved- accepted by the Manager as meeting an applicable specification stated or cited in this ordinance, or as suitable for the proposed use.

2.3 Approving Authority - Manager of the Van Buren Water , Sewer and Solid Waste Department or his designated agent.

2.4 Auxiliary Water Supply - any water supply on or available to the premises other than the purveyor's approved public water supply will be considered an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, etc. or "used waters" or "industrial fluids". These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

2.5 Backflow - flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source, caused by either backpressure or backsiphonage.

2.6 Backflow Prevention Assembly - mechanical backflow prevention assembly assembled with shutoff valves, and provided as a complete assembly by a single manufacturer, used to prevent the flow of contaminants or pollutants

into the City's water system. The assembly must have the approval of the Foundation for Cross Connection Control and Hydraulic Research at the University of Southern California, State of Arkansas Department of Health and the City.

2.7 Backpressure - a condition in which the pressure in a non-potable system is greater than the pressure in the potable water distribution system. Backpressure will cause non-potable liquids to flow into the potable water distribution system through cross - connections.

2.8 Backflow Prevention Device - mechanical backflow preventer without the shutoff valves. It does not have shutoff valve on either side of the backflow prevention mechanism. Any backflow prevention assembly without the shutoff valves is called a device.

2.9 Backsiphonage - reverse flow of liquid caused by a partial vacuum or negative pressure in the potable water distribution system, which may result from water line breaks, or high water demands for fire fighting purposes, etc.

2.10 Board of Commissioners - Van Buren Water, Sewer, and Solid Waste Commission

2.11 Bypass - any arrangement of pipes, plumbing, or hoses designed to divert the flow around an installed device or assembly through which the flow normally passes.

2.12 Certified Assembly Testing Technician (Tester) - person certified by the Arkansas Department of Health as an assembly testing technician.

2.13 Certified Assembly Repairman Technician - person certified by the Arkansas Department of Health as an assembly repairman technician.

2.14 City - the City of Van Buren, Arkansas.

2.15 Containment - method of cross-connection control requiring a backflow prevention assembly at point of service connection to the City's water system.

2.16 Contaminant - substance that will impair the quality of the water to a degree that it creates a health hazard.

2.17 Cross-Connection - any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, of which one contains potable water and the other contains non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, dummy section of pipe, swivel or change - over devices or sliding multiport tube.

2.18 Cross-Connections -- Controlled - a connection between a potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

2.19 Cross - Connection Control by Containment - the installation of an approved backflow prevention assembly at the water service connection to any

customer's premises where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross - connections within the customer's water system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross - connections which cannot be effectively eliminated or controlled at the point of cross - connection.

2.20 Degree of Hazard - danger posed by a particular substance or set of circumstances. The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard on the potable water system.

2.21 Domestic - refers to plumbing as defined by the State of Arkansas Plumbing Code and is not associated with designated fire protection water service lines and systems.

2.22 Double Check Valve Assembly (DCVA) - backflow prevention assembly consisting of two independently operating check valves, 4 test cocks, and 2 shutoff valves. It is only appropriate for use against non-health hazards. DCVA can be subjected to backpressure.

2.23 Fire Protection System - a fire protection system consists of pipes, sprinklers, valves, fixtures, fittings, ponds, tanks water storage vessels and fire hydrants that are intended and used exclusively for fire protection.

2.24 Inspector - person authorized by the Approving Authority to perform inspections of Owner's facilities for the purpose of determining compliance with the City of Van Buren Cross-Connection Control Program.

2.25 Isolation - method to confine a potential source of contamination to the non-potable system being served; to provide a backflow prevention mechanism at each actual or potential cross-connection.

2.26 Lawn Irrigation System - consists of pipes, sprinklers, valves, fixtures, fittings, ponds, tanks and water storage vessels that are intended and used exclusively for the purpose of lawn irrigation.

2.27 Multiple Services - two or more services. In the case that two or more water agencies are involved, the multiple service connections constitute and "auxiliary source" of water on the property.

2.28 New Construction - construction of a new facility, alteration or addition to an existing facility, or modification or addition to existing plumbing, fire protection, and lawn irrigation systems.

2.29 Owner - "person" or "persons" who possess any interest in the structure or property to which such ownership relates.

2.30 Pollution - means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

2.31 Program - the City of Van Buren Cross-Connection Control Program.

2.32 Responsible Managing Employee (RME) - an individual or individuals who shall be designated by each company that plans, sells, installs, maintains, or services a fire protection sprinkler system on a full time basis to assure that each fire protection sprinkler system as installed, maintained, or serviced meets the standards as provided by state law.

2.33 Reduced pressure Zone Assembly (RPZA or Reduced Pressure Principle Assembly) - backflow prevention assembly consisting of four test cocks, two shutoff valves, two independently operating, spring loaded check valves with a reduced pressure zone between the checks. The zone contains a relief port which will open at atmosphere if the pressure in the zone falls within 2 psi of the supply pressure. The assembly provides protection against both backpressure and backsiphonage.

2.34 Retrofit - replacement of an existing device or backflow prevention assembly when the specifications or condition of the device or assembly are not adequate for the degree of hazard found on the property as defined by this program.

2.35 Shall - mandatory; "may" or "will" is permissive.

2.36 Water - Potable - any water which, according to recognized standards, is safe for human consumption.

2.37 Water - Nonpotable - water which is not safe for human consumption or which is of questionable potability.

2.38 Water - Service Connection - the terminal end of a service connection from the public potable water system; where the Water Purveyor loses sanitary control at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or any backflow prevention assembly located at the point of delivery to the customer's water system. Service connection shall also include water service connections from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

SECTION 3: APPROVING AUTHORITY

The Public Water System (PWS) Regulations and the State Plumbing Code are *complementary in protecting* the consumer from contamination introduced through cross-connections. The PWS Regulations basically are designed to protect the public water distribution system from contamination, while the Plumbing Code is designed to protect the private potable water plumbing, from backflows.

Location of an approved properly functioning backflow preventer on the customer's service line will be sufficient to protect the public water distribution system from backflow, but this arrangement will not protect the users of the *building potable water plumbing* where the cross-connection occurs. Such a cross-connection control program is called a containment system, since any

potential damage from a cross connection is contained within the plumbing of the facility where it occurs.

To protect the users within the building itself, each device or plumbing fixture which contains a cross-connection must be individually protected by an approved cross-connection control device. This is what the State Plumbing Code currently requires, and such a program is referred to as an isolation program, since any contamination from a cross-connection is isolated to the plumbing device where the cross-connection occurs.

The Approving Authority shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants through the water service connection. The Approving Authority shall take action as necessary to meet the goals of the program.

3.1 If, in the judgment of the Approving Authority an approved backflow prevention assembly is required at the Owner's water service connection for the safety of the public water system, the Approving Authority shall give notice in writing to the Owner.

3.2 On new installations, the Approving Authority will provide inspection and review of plans in order to determine if a backflow prevention assembly shall be required.

3.3 For property with backflow prevention assemblies existing prior to the adoption of this program, the Approving Authority will perform a review of plans or inspection of property and inform the Owner in writing of any retrofit required, the method of achieving the retrofit, and the time allowed for the retrofit to be made.

3.4 The Approving Authority will not allow any cross-connection to remain unless it is protected by an approved backflow prevention assembly which will be regularly tested to insure satisfactory operation, and the test results are submitted to the Van Buren Water, Sewer, and Solid Waste Department.

3.5 The Approving Authority shall inform the Owner in writing, of any failure to comply. In the event the Owner fails to comply with the necessary correction, the Approving Authority shall inform the Owner in writing, that the water service to the Owner's property will be terminated. In the event that the Owner informs the Approving Authority of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Approving Authority.

3.6 If the Approving Authority determines at any time that a serious threat to the public health exists, the water service shall be terminated immediately.

3.7 The Approving Authority shall allow only Certified Assembly Testing Technicians to test backflow prevention assemblies and only Certified Assembly Repairman Technicians to maintain and repair backflow prevention assemblies. Installation shall be accomplished by personnel licensed by the Arkansas Department of Health.

3.8 A program for routine inspection shall be administered by the Approving Authority for hazardous water users. This program will continually assess the hazard water users pose to the water system and where warranted require an appropriate backflow prevention assembly be installed.

3.9 The Approving Authority shall bill an Administrative Fee to Owner for cost of services. Refusal to pay the assessed costs shall constitute a violation of this Ordinance and that said violation and/or assessment shall then be subject to denial of or termination of water service.

SECTION 4: OWNER RESPONSIBILITIES

The owner shall adhere to the requirements of the Approving Authority in their efforts to execute the program. The Owner shall:

4.1 Eliminate all cross-connections or install an approved backflow prevention assembly on the property at the water service connection on the customer's side of the water meter.

4.2 Retrofit unapproved existing backflow preventers should they be relocated, require more than *minimal maintenance*, or the operation or maintenance of the device/assembly constitutes a hazard to health.

4.3 Correct any malfunction of the backflow prevention assembly.

4.4 Inform the Approving Authority of any proposed or modified cross-connections and also any existing cross-connections of which the Owner is aware but has not been identified by the Approving Authority.

4.5 By-pass lines around any backflow prevention assembly shall require a backflow prevention assembly of the same type as the containment assembly.

4.6 The owner shall insure the type backflow prevention assembly and manner of installation is approved by the Approving Authority.

4.7 Notify the Approving Authority of any private well or other private water source. The Approving Authority may require the Owner to install a backflow prevention assembly if a private water source is maintained, even if it is not cross-connected to the City's system.

4.8 Advise the Approving Authority of any plumbing installed to provide potable water for domestic purposes which is on the City's side of the backflow prevention assembly.

4.9 Pay all administrative fees and fees for testing and repair of backflow prevention assemblies.

4.10 It shall be the duty of the owner / user at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made upon installation and at least once per year. In those instances where the Approving Authority deems the hazard great enough, he may require certified inspections and tests at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by the assembly manufacturer's representative, Van Buren Water

Department personnel or by a certified tester approved by the Approving Authority. It shall be the duty of the Approving Authority to see that these tests are made in a timely manner. The owner/user shall notify the manager in advance when the tests are to be performed so that an official representative may witness the tests if so desired. These assemblies shall be repaired, overhauled or replaced at the expense of the owner-user whenever said assemblies are found to be defective. Records of such tests, repairs and overhauls shall be kept and made available to the Approving Authority.

4.11 Install (2) two backflow prevention assemblies in parallel if uninterrupted water service is desired during testing or repair.

4.12 After having been notified by the Approving Authority of a requirement for a backflow prevention assembly, shall submit, within the time specified by the Approving Authority, installation plans for approval and install an approved backflow prevention assembly at their expense; and, failure, refusal, or inability on the part of the customer to install, maintain, and have tested, any and all backflow prevention assemblies on their property shall constitute grounds for discontinuing Owner's water service until such requirements have been satisfactorily met.

4.13 Only master plumbers licensed by the state as Certified Assembly Repair Technicians shall accomplish repairs, installation and maintenance on domestic backflow prevention assemblies.

4.14 New residential lawn irrigation systems shall be installed separately from the domestic service line, and the appropriate backflow prevention assembly shall be installed on the customer's side of the water meter.

SECTION 5: RETROFIT OF BACKFLOW PREVENTERS ON DOMESTIC WATER SERVICE CONNECTIONS, FIRE PROTECTION SERVICE LINES, AND LAWN IRRIGATION SERVICE LINES

5.1 Existing cross-connection control devices are not required to be replaced if they are *not equipped with the necessary test cocks*. If any such device is relocated, or requires more than minimal maintenance, the final backflow preventer shall meet current requirements. However, the Approving Authority may require replacement of the device if it determines that the operation or maintenance of existing device constitutes a hazard to health. Devices shall be removed when directed by the Approving Authority to facilitate the installation of a required backflow prevention assembly.

5.2 All presently installed backflow prevention assemblies which do not meet the requirements of this program but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements, be excluded from the requirements of these rules so long as the Approving Authority is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or, *requires more than the minimum maintenance or*, when the Approving Authority finds that the operation or maintenance of this assembly constitutes a hazard to health, the assembly shall be replaced by an approved backflow prevention assembly.

5.3 Where installation of an approved backflow prevention assembly is required it shall be installed adjacent to the property line on the Owner's side or between the water meter and the building or the first branch of service. Any devices existing at this location shall be removed to facilitate installation of the required backflow prevention assembly.

SECTION 6: ABSENCE OF BACKFLOW PREVENTION ASSEMBLY

6.1 An approved backflow prevention assembly shall be installed where the degree of hazard dictates. Time restraints will be established based on the degree of hazard. Installation plans shall be approved by the Approving Authority prior to the start of installation .

6.2 Approved backflow prevention assemblies shall be installed at the Owner's property line immediately after the meter if one is installed, or at other locations acceptable to the Approving Authority.

SECTION 7: NEW CONSTRUCTION

New construction plans shall be submitted to the Approving Authority prior to desired installation date. Plan submission shall include detailed information as required by the Approving Authority.

SECTION 8: REQUIREMENT POLICY

8.1 No water service connection to any premises shall be installed or maintained by the Approving Authority unless the water supply is protected as required by State laws and regulations and this Ordinance. Service of water to any premises shall be discontinued by the Approving Authority if a backflow prevention assembly, required by this Ordinance, is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

8.2 The customer's system should be open for inspection at all reasonable times to the Approving Authority or his designated agent to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Approving Authority shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the owner-user has corrected the condition(s) in conformance with State and City Statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

8.3 An approved backflow prevention assembly shall also 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 of the service line wherever the following conditions exist;

8.3.a In the case of a premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the Approving Authority, the public water system shall be protected against backflow from the premises by installing

an approved backflow prevention assembly in the service line appropriate to the degree of hazard.

8.3.b In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system which have been subject to deterioration in quality.

8.3.c In the case of premises having (1) internal cross connections that cannot be permanently corrected or controlled, or, (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the water service line. Such installation shall be at the customer's expense, at the discretion of the Approving Authority.

8.4 The type of backflow prevention assembly required in subsections 8.3.a, b, and c shall depend upon the degree of hazard which exists as follows;

8.4.a In the case of any premises where there is an auxiliary water supply as stated in subsection 8.3.a of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly.

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

8.4.c In the case of any premises where there is any material dangerous to health which is handled in such a fashion 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 sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.

8.4.d In the case of 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 water service connection.

8.4.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 water service connection to the premises.

8.5 Any backflow prevention assembly required herein shall be a model and size approved by the Approving Authority. 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 entitled:

* AWE C506-84 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices;

and, have met completely the laboratory and field performance specifications of the Foundation for Cross - Connection Control and Hydraulic Research 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. Said AWWA and FCCC&HR standards and specifications have been adopted by the Van Buren Water, Sewer and Solid Waste Department. 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. The following testing laboratory has been qualified by the Approving Authority to test and certify backflow preventers:

Foundation for Cross - Connection Control and Hydraulic
Research, University of Southern California
University Park
Los Angeles CA 90089

Testing laboratories other than the laboratory listed above will be added to an approved list as they are qualified by the Approving Authority.

Backflow preventers which may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a Certificate of Approval by said qualified laboratory and are listed on the laboratory's current list of "Approved Backflow Prevention Assemblies" may be used without further laboratory tests or qualifications.

SECTION 9: PERIODIC TESTING

9.1 RPZAs and DCVAs shall be tested and inspected at least once annually. Periodic testing shall be performed by a Certified Assembly Testing Technician at the Owner's expense.

9.2 Any backflow prevention assembly which fails a performance test shall be repaired or replaced. Upon completion of any necessary repairs the Owner shall cause the backflow prevention assembly to be retested to insure correct operation. Water service shall be discontinued if a RPZA fails a test and cannot be repaired immediately. Copies of all repair, maintenance, testing and retesting reports shall be submitted to the Approving Authority.

9.3 Backflow prevention assemblies will be tested more frequently than specified in 9.1 above, in cases where there is a history of test failures and the Approving Authority determines that due to the degree of hazard involved, additional testing is warranted. Owner shall initiate testing and bear the cost of the additional tests.

SECTION 10: ADMINISTRATIVE FEES

10.1 The Van Buren Water, Sewer, and Solid Waste Commission shall adopt Administrative Fees which may include but not be limited to:

Charges for administrating the Cross - Connection Control Program such as;

- A. Recovery costs
- B. Bookkeeping costs
- C. Recordkeeping costs
- D. Inspection costs
- E. Reporting costs

10.2 The Administrative Fee will be in addition to fire line charges and other charges for water or sewer service.

SECTION 11: TEMPORARY USE BACKFLOW PREVENTION ASSEMBLIES

When using a public fire hydrant as a temporary water source, it shall be protected by a RPZA. The water user shall use a RPZA and a flow meter, which shall be obtained from the Approving Authority. The water user shall be charged a deposit for the RPZA and meter. In addition, water user shall pay for water usage. The Approving Authority shall install the RPZA and meter. The water user will notify the Approving Authority to disconnect the RPZA and meter and return it when no longer needed or at the end of one year, whichever is sooner. If the RPZA and/or meter is lost or stolen the initial deposit shall be forfeited. RPZAs and meters shall only be used at the site for which initially intended.

SECTION 12: REPORTING REQUIREMENTS

The Owner shall be responsible for properly filing reports with the Approving Authority for each required backflow prevention assembly. In addition to the administrative reports, any failure, removal, modification or replacement of an RPZA or suspected backflow shall be reported immediately by telephone to the Approving Authority. Performance tests, replacement, repair and maintenance reports shall be filed within two calendar days.

SECTION 13: RECORDS

The Owner shall keep records for each assembly. Installation drawings, manufacturer, model, serial number, date installed, and schedule of preventive maintenance and technical data are the minimum record requirements.

SECTION 14: PROTECTION OF BACKFLOW PREVENTION ASSEMBLIES

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the backflow prevention assembly.

No person, without first obtaining written consent from the Approving Authority, shall cover a backflow prevention assembly vault with earth or pavement, or otherwise render it inaccessible.

SECTION 15: POWERS AND AUTHORITIES OF INSPECTORS

The Approving Authority, representatives retained by the Van Buren Water, Sewer and Solid Waste Department and other duly employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation and testing to verify adherence to the provisions of this Ordinance. The Approving Authority or their designated representative shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the determination of the degree of hazard. Authorized personnel shall have authority to inspect and copy records pertaining to the threat of a hazard to the City Water System.

The Owner's property shall be available for inspection at all reasonable times to authorized representatives of the Approving Authority to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations, exists.

SECTION 16: VARIANCE

16.1 Request for deviation or relief from any of the provisions of this program shall be submitted in writing to the Approving Authority. The Approving Authority shall not deviate from the provisions of this ordinance, but may grant a variance in areas not addressed by ordinance if not in conflict with the spirit and intent of the Cross-Connection Control Program. Request for use of other than approved backflow prevention assemblies shall be accompanied by technical data.

16.2 No action shall be taken on the part of the Owner to proceed with any construction or installation of which a request for deviation has been submitted, without the written permission of the Approving Authority.

SECTION 17: ENFORCEMENT

17.1 Any Owner found in violation of any of the provisions of this Ordinance, shall be served by the Approving Authority with written notice stating the nature of the violation, describing the penalty applicable to the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Owner may deliver by certified mail to the Approving Authority, within five (5) days of receipt of such notice, a written request for a hearing before the Approving Authority at which hearing the Owner shall be given an opportunity to show cause why the notice should be rescinded or modified.

17.2 Any notice issued pursuant to this subsection may provide one or more of the following penalties:

- A. A civil penalty of not more than \$1,000.00 for each violation of the Ordinance, and each day of a continuing violation may be deemed a separate violation; and,
- B. A compliance directive with time schedule mandating procedures which would bring the Owner into compliance with this Ordinance within the designated time schedule, or termination of water service upon noncompliance with the compliance directive time schedule; and,
- C. Termination of water service to the Owner.

17.3 The Approving Authority shall utilize this Ordinance and the Cross-Connection program, which is passed by the Van Buren City Council and adopted by the Board of Commissioners on the effective date of this Ordinance, and confirmed hereby, in (1) the initial issuance of penalties set forth in notices issued pursuant to this subsection and (2) in the administrative adjustment or amendment to any such penalty as a result of a hearing requested by the Owner pursuant to the provisions of this sub-section. No action to terminate an Owner's water service shall be final until the Approving Authority has given notice, unless it has been determined that to continue to provide water service would endanger the public health, due to possible contamination of the City water system. This situation would constitute grounds for immediate termination of applicable water service to the property.

17.4 Any person violating the provisions of the Ordinance shall become liable to the Van Buren Water, Sewer, and Solid Waste Department for any expense, loss or damage occasioned the Van Buren Water, Sewer, and Solid Waste Department by reason of such violation.

17.5 The listing of penalties in this Section shall not preclude other appropriate judicial remedies available with reference to any violation of this Ordinance. In particular, the City may petition any Court of competent jurisdiction to grant injunctive or other legal or equitable relief by reason of a violation. No judicial action against an Owner to collect a civil penalty for violation of shall be commenced without a majority vote of the Board of Commissioners of the Van Buren Water, Sewer and Solid Waste Department.

SECTION 18: VALIDITY

18.1 All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

18.2 Should any portion of this Ordinance be unconstitutional or invalid and so declared by a Court of Competent jurisdiction, then the remainder of this Ordinance, and any remaining applications of this Ordinance, shall not be affected by such partial unconstitutionality or invalidity.

SECTION 19: EMERGENCY CLAUSE

It is hereby determined and declared that an emergency exists by reason of the necessity of establishing reasonable controls over the danger of introducing pollutants and contaminants into the City Water System through cross-connections and that the immediate effect of the provisions of this Ordinance are necessary to preserve the health, safety and welfare of the inhabitants of the City so that is hereby declared and determined that this Ordinance shall be in full force and effect as of the date of its adoption.

PASSED AND APPROVED this 22 day of January, 1996.

By: John Riggs
John Riggs, Mayor

ATTEST:

Ann Arden
City Clerk - Treasurer