

ORDINANCE #19-01

**SOUTHSIDE WATER AND SEWER DISTRICT
BONNER COUNTY, IDAHO**

AN ORDINANCE OF THE SOUTHSIDE WATER AND SEWER DISTRICT, OF BONNER COUNTY, IDAHO, RELATING TO PROTECTING THE PUBLIC WATER SUPPLY TO ELIMINATE OR CONTROL BACKFLOW AND CROSS CONNECTIONS; REQUIRING BACKFLOW PREVENTION DEVICES TO PROTECT THE DISTRICT WATER SUPPLY, IN ACCORDANCE WITH ALL APPLICABLE ORDINANCES, LAWS, STANDARDS, RULES AND REGULATIONS; PROVIDING FOR TERMINATION OF SERVICE IN THE EVENT OF NONCOMPLIANCE; PROVIDING REMEDIES FOR ENFORCEMENT, INCLUDING TERMINATION OF WATER SERVICE, CORRECTION AT THE EXPENSE OF LANDOWNER; DECLARING VIOLATIONS OF THE ORDINANCE TO BE A NUISANCE; PROVIDING FOR PROSECUTION OF A CIVIL ACTION; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, SOUTHSIDE WATER AND SEWER DISTRICT (the District), of Bonner County, Idaho, is a water and sewer district operating and existing under and pursuant to the laws of the State of Idaho, codified at Idaho Code §42-3201 et seq.; and

WHEREAS, pursuant to the rules of the State of Idaho (IDAPA §58.01.08), the District has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system; and

WHEREAS, the Board of Directors of the District desires to adopt an ordinance in order to regulate and control actual and/or potential cross connections.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO, AS FOLLOWS:

**SECTION 1
PURPOSE AND APPLICABILITY**

All users of the Southside Water system shall be regulated by this ordinance:

A. To protect the public water supply served by the District from the possibility of contamination or pollution by isolating, within its customers' internal distribution systems, such contaminants or pollutants which could backflow or back siphon into the public water system.

B. To promote the elimination or control of existing cross connections, actual or potential, between its users' potable water systems and non-potable systems.

C. To provide for the maintenance of a continuing program of cross connection control which will prevent the contamination of the potable water system by cross connection.

SECTION 2 DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:

A. Auxiliary Water Supply: Any water supply on or available to the User's premises other than the purveyor's approved public potable water supply.

B. 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 caused by back pressure or back siphonage.

C. Backflow Prevention Assembly Tester: An individual who is certified by the State of Idaho and registered with the purveyor, to test backflow prevention assemblies.

D. Backflow Prevention Device: A device to counteract back pressure or prevent siphonage.

E. Back Pressure: A condition in which the User's system pressure is greater than the purveyor's system pressure.

F. Back Siphonage: The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

G. 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.

H. 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 back flow.

I. 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 or made available to the public for human consumption or domestic use.

J. Purveyor: Southside Water and Sewer District.

K. Regulations: The Idaho Department of Environmental Quality Rules, IDAPA 58.01.08, "the Idaho regulations for public drinking water systems" and as may be subsequently amended or modified.

L. Users: Persons or entities who hold legal title to property being serviced by the purveyor's water system.

SECTION 3 CROSS CONNECTIONS

No water service connection to any premises shall be installed or continued in use by the purveyor unless the water supply is protected by backflow prevention devices as may be required by this Ordinance. The installation or maintenance of a cross connection which will endanger the water quality of the water supply of the District shall be unlawful and is prohibited. Any such cross connection now existing or hereafter installed is hereby declared to be a health hazard and a public nuisance and the same shall be abated. The control or elimination of cross connections shall be in accordance with this Ordinance and the rules and regulations adopted by the Idaho Department of Environmental Quality, together with the latest version of the Manual of Cross Connection Control of the American Water Works Association-Pacific Northwest Section or such other manuals approved by the Idaho Department of Environmental Quality. In the event regulations are modified by the Idaho Department of Environmental Quality, or the purveyor's risk management's policies are revised, the purveyor retains the right to impose retroactive requirements for additional cross connection control measures. The purveyor shall adopt rules and regulations as necessary to carry out the provisions of this Ordinance.

SECTION 4 BACKFLOW PREVENTION DEVICES

Backflow prevention devices shall be installed at the service connection where, in the judgment of the purveyor, the User's plumbing system or the nature and extent of the activities on the premises may present an immediate and dangerous hazard to health and/or be deleterious to the quality of the water should a cross connection occur. The type of protective device required shall depend upon the degree of hazard as determined by the purveyor. The backflow prevention device shall be located so as to be readily accessible for maintenance and testing and shall be installed under the supervision of and with the approval of the purveyor.

Backflow prevention devices required by this Ordinance shall be installed at the expense of the User. Whenever the devices are found to be defective, they shall be repaired, overhauled or replaced at the User's expense. Inspections, tests, repairs and records thereof shall be accomplished under the purveyor's supervision by certified testers. Failure of the User to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this Ordinance and the regulations shall be grounds for termination of water service to the premises or, in the alternative, the installation of such devices as the District determines all at the expense of the User.

SECTION 5 INSPECTIONS

No water shall be delivered to any structure hereinafter built within the District or within areas served by the District until the same shall have been inspected by the purveyor for possible cross connections. The User shall have all backflow prevention assemblies tested upon installation,

and annually thereafter, or when reasonably requested by the purveyor. All testing shall be completed by a certified backflow prevention assembly tester (BAT) approved by purveyor and the Idaho Department of Environmental Quality. The results of the test shall be reported to the District within thirty (30) days. Noncompliance to annual testing and reporting may result in a mandatory inspection/survey of the premises by purveyor at the expense of the User.

**SECTION 6
USER REQUIREMENTS**

User agrees to obtain prior approval from the purveyor for all changes in water use, and any alternations and/or additions to the plumbing system, and shall comply with any additional requirements imposed by the purveyor for cross connection control. Plumbing installations and equipment installed prior to the implementation of this ordinance are subject to the terms of this policy and the User shall bear the expense of bringing any noncompliant equipment and/or plumbing configuration into compliance within ninety (90) days of written notification by purveyor. If the User fails to cooperate in the installation, maintenance, repair, inspection or testing of backflow prevention assemblies required by the purveyor, the User’s water supply may be discontinued with 72 hours’ notice, or immediately in the event of an emergency.

**SECTION 7
ADDITIONAL REMEDIES**

In the event an improper cross connection is not corrected within the time required by this Ordinance or, in the event the purveyor is refused access to any property for the purpose of determining whether or not cross connections exist, delivery of water to the property shall cease until the deficiency is corrected to the purveyor’s satisfaction. In addition, the purveyor may affect the necessary repairs or modifications at the expense of the User and refuse delivery of water to the property until the costs thereof shall have been paid.

**SECTION 8
VIOLATIONS AND PENALTIES**

Any violation or refusal to comply with the provisions of this Ordinance or the rules and regulations as adopted by the purveyor shall be deemed a Public Nuisance pursuant to Idaho law.

**SECTION 9
SEVERABILITY**

The provisions of this ordinance are severable. If any portion of this ordinance is held by a court of competent jurisdiction invalid or unenforceable for any reason, such determination shall not affect the validity of the remainder of this Ordinance or its application to any other ordinance.

**SECTION 10
ENFORCEABILITY**

The District shall enforce and seek remedies for breaches of the terms of this Ordinance as provided by the laws of the State of Idaho.

**SECTION 11
EFFECTIVE DATE**

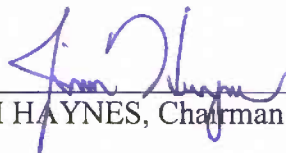
This Ordinance shall be in full force and effect upon its publication in summary form according to law in the Bonner County Daily Bee, a newspaper of general distribution in the District and hereby designated as the official newspaper for the publication of this Ordinance.

**SECTION 12
PUBLICATION**

Pursuant to I.C. §50-1727, this Ordinance, or a summary thereof, in compliance with I. C. §31-715A Idaho Code shall be published once in the official newspaper of the District. Any contest or proceeding to question the validity or legality of this Ordinance shall be brought in court by any person for any cause whatsoever prior to the expiration of thirty (30) days from publication of this Ordinance and after such time, the validity, legality and regularity of this Ordinance shall be conclusively presumed.

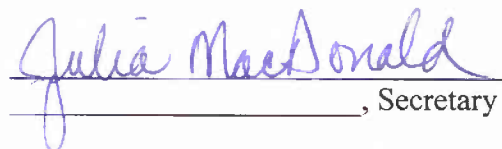
PASSED AND ADOPTED this 20th day of March, 2019.

SOUTHSIDE WATER & SEWER DISTRICT
Bonner County, Idaho



JIM HAYNES, Chairman

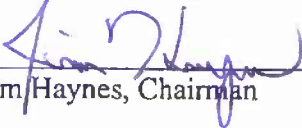

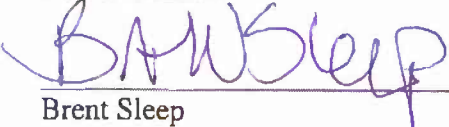
ATTEST:


_____, Secretary

**MOTION TO APPROVE ORDINANCE #19-01,
AN ORDINANCE OF SOUTHSIDE WATER AND SEWER DISTRICT OF BONNER
COUNTY, IDAHO, RELATING TO PROTECTING THE PUBLIC WATER SUPPLY BY
REGULATING BACKFLOW AND CROSS CONNECTIONS WITHIN THE DISTRICT.**

This motion was made by _____ and seconded by _____,
and was passed by majority of the Board at the meeting held on the 20th day of March,
2019. The following is the record of vote on the ordinance.

RECORD OF VOTE

<u>Signature</u>	<u>Approve</u>	<u>Disapprove</u>
 _____ Jim Haynes, Chairman	<u>X</u>	_____
_____ Mike Mooney	_____	_____
 _____ Kass Larson	<u>X</u>	_____
_____ Diana Erickson	<u>X</u>	_____
 _____ Brent Sleep	<u>X</u>	_____