ORDINANCE NO. 95-13

AN ORDINANCE FOR THE CONTROL OF BACKFLOW AND CROSS CONNECTIONS FOR THE CITY OF ATKINS WATER SYSTEM; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND DECLARING AN EMERGENCY.

Pursuant to Chapter 10 of the State of Arkansas Plumbing Code, it is the responsibility of the City of Atkins to protect its drinking water by instituting and enforcing a cross connection ordinance. Therefore, the following Ordinance is hereby adopted.

PART 1

1:01 DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word or term used in this Ordinance is not contained in the following list, its definition, or other technical terms used, shall have the meanings or definitions listed in the 9th (ninth) edition of the Manual of Cross Connection Control published by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California.

A. **Air Gap** - the vertical physical separation between the free-flowing discharge end of the potable water supply line and the overflow rim of the receiving vessel. The separation must be at least twice the inside diameter of the supply line, but never less than one (1") inch.

B. **Approval Authority** - the director of the Arkansas Department of Health.

C. **Auxiliary Water Supply** - any water supply, on or available, to the property other than the City's water supply.

D. **Backflow** - the flow of water or other liquids, gases or solids from any source back into the distribution piping of the public potable supply system. Backsiphonage and backpressure are two types of backflow.

E. **Backflow Prevention Assembly** - mechanical backflow prevention mechanism assembled with shut-off 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 Control Authority.

F. **Backflow Prevention Device** - mechanical backflow prevent[illegible]thout the shut-off valves. It does not have shut-off valves on either side of the backflow prevention mechanism. Any backflow prevention assembly without the shut-off valves is called a device.

G. **Backpressure** - the flow of water or other matter from any source back into the distribution piping of the public water supply.

H. **Backsiphonage** - the reverse flow of water due to negative or reduced pressure within the public water system.

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

J. **Certified Assembly Repair Technician** - Arkansas Department of Health certified assembly repair technician.

K. **Certified Assembly Testing Technician (Tester)** - Arkansas Department of Health certified assembly testing technician.

L. **Certified Cross Conection Control Specialist/Inspector** - a person who is certified by the health authority, or other approval agency, to administer a cross connection control program and conduct cross connection surveys.

M. **City** - the City of Atkins, Arkansas.

N. **Atkins Water and Sewer Commission** - the operators of the City-owned water system.

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

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

Q. **Control Authority** - The Atkins Water and Sewer Commission or its designated agents.

R. **Cross Connection** - any actual or potential connection between the City water system and a source of contamination or pollution.

S. **Cross Connection Control** - the use of backflow prevention assemblies, methods and procedures to prevent contamination or pollution of a potable water supply through backflow.

T. **Degree of Hazard** - the low, medium or high hazard classification that shall be attached to all actual or potential cross connections.

U. **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.

V. **Double Check Valve Assembly (DCVA)** - backflow prevention assembly consisting of two independently operating check valves, four test cocks, and two shut-off valves. It is only appropriate for use against non-health hazards.

W. **Detector Double Check Valve Assembly (DDCVA)** - a DCVA with an additional smaller DCVA assembly with a flow detector meter in parallel. Used to detect system leaks and unauthorized use.

X. **Detector Reduced Pressure Zone Assembly (DRPZA)** - RPZA with an additional smaller RPZA assembly with a flow detector meter in parallel. Used to detect system leaks and unauthorized use.

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

Z. **High Hazard** - any facility where the substance which could backflow is hazardous to human health.

AA. **Inspector** - person authorized by the Control Authority to perform inspections of the Owner's facilities for the purpose of determining compliance with the City of Atkins' Cross Connection Program.

BB. **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.

CC. **Medium Hazard** - any facility where the substance which could backflow is objectionable, but does not pose an unreasonable risk to health.

DD. **Low Hazard** - any facility where the substance which could backflow is objectionable, but does not pose an unreasonable risk to health and there is no possibility of backpressure in the downstream piping system.

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

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

GG. **Permit** - document issued by the Control Authority which allows the use of a backflow prevention assembly.

HH. **Person** - any individual, partnership, company, public or private corporation, political subdivision or agency of the United States or any legal entity.

II **Pollutant** - foreign substance that, if permitted to enter into the City's water system, will degrade its quality so as to constitute a hazard. Also defined as a low hazard.

JJ. **Program** - Atkins Water & Sewer Commission's Cross Connection Program.

KK. **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.

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

MM. **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 Ordinance.

NN. **Service Connection** - piping connection between the City's water main and a property owner's system.

OO. **Shall** - mandatory; "may" or "will" is permissive.

PP. **Thermal Expansion** - heated water that does not have the space to expand.

1:02 **PURPOSE**

The purpose of this Ordinance is as follows:

A. To protect the public potable water supply of the City of Atkins from the possibility of contamination or pollution from backflow into the public water system.

B. 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.

C. 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.

1:03 **BACKFLOW PREVENTION ASSEMBLY REQUIREMENT**

A backflow prevention assembly shall be installed and maintained by the Owner on any water service connection provided by the Atkins Water and Sewer Commission, its successors or assigns, when, in the opinion of the Control Authority, a possibility for backflow or other cross connection exists as a result of the water service connection.

A certified cross connection inspector employed by, or under contract with, The Atkins Water and Sewer Commission shall determine the type and location of backflow assembly to be installed within the area served by the Atkins Water and Sewer Commission. This does not include wholesale customers or their water users. The assembly shall be required in each of the following circumstances, but the inspector is in no way limited to the following circumstances:

(1) The nature and extent of any activity of the premises, or the materials used in connection with any activity of the premises, or materials stored on the premises, could contaminate or pollute the potable water supply.

(2) Premises having any one or more cross connections which are identified or are present.

(3) Internal cross connections are present that are not correctable.

(4) Intricate plumbing arrangements are present that make it impractical to ascertain whether cross connections exist.

(5) There is a repeated history of cross connections being established or re-established.

(6) There is unduly restricted entry so that inspections for cross connections cannot be made with sufficient frequency to assure that cross connections do not exist.

(7) Material are being used such that if backflow should occur, a health hazard could result.

(8) Installation of an approved backflow prevention assembly is deemed to be necessary to accomplish the purpose of these regulations in the judgment of a certified cross connection inspector employed by the Atkins Water and Sewer Commission.

(9) A fire sprinkler system using not-potable piping material is connected to the City's water system.

(10) All new construction, if required by the Arkansas Plumbing Code, shall install an approved backflow assembly at the service connection. The type of the assembly will be commensurate with the degree of hazard as determined by a certified inspector.

(11) When a building is constructed on commercial premises and the end use of such building is not determined or could change, a reduced pressure principle backflow prevention assembly shall be installed at the service connection to provide protection of the public water supply in the event of the most hazardous use of the building.

(12) All new and existing facilities that are required to have backflow prevention assemblies, and where water cannot be turned off during the testing of such assemblies, shall be equipped with dual backflow prevention assemblies of the same type so that testing, repair and maintenance can be performed.

(13) Any used water return system that has received approval from the Control Authority.

(14) In the event an isolation assembly has not had the testing or repair done as required by this program, a containment assembly will be required.

(15) If it is determined that additions or rearrangements have been made to the plumbing system without obtaining proper permits as required by the City Building Inspector, or notifying the Control Authority, a containment assembly will be required.

(16) All multistory buildings or any building with a booster pump or elevated storage tank.

(17) Retrofitting shall be required on all high hazard connections and wherever else the Control Authority deems necessary to retrofit.

1:04 **MOBILE UNITS**

(1) Any mobile unit or apparatus that uses water from any premises which Atkins Water & Sewer Commission services must obtain written permission from Atkins Water & Sewer Commission before using any water. A fixed unaltered air gap mounted either on the truck or piping system is required.

(2) If an air gap is not used, an approved RPZA provided by the customer must be used. Before using the RPZA, a copy of the current test results must be given to the Control Authority and approved.

(3) The Control Authority reserves the right to revoke the backflow prevention assembly permit for the apparatus if the Owner fails to comply with the above procedures.

1:05 **WHOLESALE CUSTOMERS**

Any wholesale customer that has a contract for water services with Atkins Water & Sewer Commission must have an active, ongoing cross connection program. Atkins Water & Sewer Commission reserves the right to require a reduced pressure zone assembly at the interconnect.

1:06 **MULTIPLE CONNECTIONS**

Any premises requiring multiple service connections for adequacy of supply and/or fire protection shall be required to install a backflow assembly on each service connection. The assembly shall commensurate with the degree of potential hazard that could occur in the event of an interconnect between any of the buildings on the premises.

1:07 **PLUMBING CODE**

As a condition of water service, customers shall install, maintain, and operate their piping and plumbing systems in accordance with the Arkansas State Plumbing Laws and, if applicable, in accordance with the City of Atkins Plumbing Code.

The Control Authority shall review and approve all plans for ...cement of backflow preventers prior to installation.

1:08 **INSTALLATION REQUIREMENTS**

To insure proper operation and accessibility of all backflow prevention assemblies, the following requirements shall apply to the installation of these assemblies.

(1) Backflow prevention assemblies shall be installed in accordance with the Arkansas State Plumbing Code and these regulations. The assembly installer shall obtain the required plumbing permits and have the installation inspected by a certified inspector employed by the Atkins Water and Sewer Commission. Test results shall be reported to the Control Authority.

(2) No part of the reduced pressure principle backflow prevention assembly shall be submerged in water or installed in a location subject to flooding. If a double check valve assembly is installed in a vault, brass plugs shall be required in the test ports at all times and adequate drainage shall be provided.

(3) Assemblies shall be installed at the point of delivery of the water supply. Such installation of the assembly shall be before any branch in the line and on private property located just inside the boundary between the City right-of-way and the Owner's property. A certified inspector employed by the Atkins Water and Sewer Commission may specify other areas for installation of the assembly.

(4) The assembly shall be protected from freezing and other severe weather conditions.

(5) All backflow prevention assemblies shall be of a type and model approved by the Control Authority.

(6) All vertical installations shall be approved in writing by the Control Authority prior to installation.

(7) The assembly shall be readily accessible with adequate room for maintenance and testing. Assemblies 2" and smaller shall have a least 6" clearance on all sides of the assembly. All assemblies larger than 2" shall have a minimum clearance of 12" on the back side, 24" on the test cock side, 12" below the assembly and 36" above the assembly. "Y" pattern double check valve assemblies shall be installed so that the checks are horizontal and the test cocks face upward.

(8) If written permission is granted to install the backflow assembly inside the building, the assembly shall be readily accessible during regular working hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

(9) If an assembly, with written permission, is installed inside the premises and is 2" or larger and is installed 5' above the floor, it shall be equipped with a rigidly and permanently installed scaffolding acceptable to the Control Authority.

(10) An approved air gap shall be located at the relief valve orifice of RPZA assemblies. This air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain and in no case less than one inch.(1").

(11) Upon completion of installation, the Control Authority shall be notified and all assemblies shall be inspected and tested. All backflow assemblies shall be registered with the Control Authority. Registration shall consist of location, written permission and initial test report. The tester shall provide two (2) copies of the test report to the Owner. One (1) copy shall be kept by the owner for his records and one (1) copy shall be sent to the Control Authority.

(12) The cost of complying with these regulations is the responsibility of the property Owner. These costs include, but are not limited to purchasing, installation, testing and repair of the assembly. These costs also include isolation and containment assemblies.

(13) The assembly shall be of type and model required by the Control Authority.

1:09 **ACCESS TO PREMISES**

Authorized employees of Atkins Water & Sewer Commission, with proper identification, shall have access during the hours of 8:00 a.m. to 4:30 p.m. to all parts of a premise and within the building to which water is supplied. If any water user refuses access to a premise or to the interior of a structure during these times for inspection by a cross connection inspector appointed by the Control Authority, a reduced pressure zone assembly shall be installed at the service connection to that premise. Failure to install the assembly may result in termination of services.

1:10 TESTING OF ASSEMBLIES

(1) A Certified Assembly Testing Technician shall test all assemblies in each of the following circumstances:

a. immediately after installation;
b. whenever the assembly is moved;
c. a minimum of once a year;
d. any premises that have RPZA assemblies as isolation protection without high hazard containment protection shall be tested every six (6) months; and
e. any premises that have an RPZA assembly as containment protection without high hazard isolation protection shall be tested every six (6) months.

Assemblies may be required to be tested more frequently, if the Control Authority deems necessary.

(2) All assembly testing shall be performed by a certified assembly testing technician in accordance with the Control Authority approved test procedures.

(3) Every person provided water service by Atkins Water & Sewer Commission directly or indirectly shall during the hours of 8:00 a.m. to 4:30 p.m. permit the Control Authority to enter the premises and building for examination of pipes and fixtures and the manner in which the water is used. Refusal by any consumer to permit inspection shall result in termination of water service from Atkins Water & Sewer Commission until such permission is granted.

(4) Atkins Water & Sewer Commission shall not be liable for damage to a backflow prevention assembly that occurs during testing.

(5) The Control Authority is authorized to discontinue or disconnect water service to premises required to be tested under this Section if the Control Authority's access to the backflow prevention assemblies is denied or hindered. Water service shall not be reinstated until access is granted and testing completed.

(6) A person violates this Ordinance if he reinstates water service to premises discontinued or disconnected, except as directed by the Control Authority.

(7) It is the responsibility of the property owner to have all assemblies tested in accordance with this Ordinance.

1:11 MAINTENANCE Or ASSEMBLIES

(1) A person who owns, operates, or manages premises where required backflow prevention assemblies are installed, shall maintain such assemblies in proper working order at all times, including repair as required.

(2) Backflow prevention assemblies shall be maintained in a manner which allows them to be tested by a method that has been approved by the Control Authority.

(3) A person commits an offense if he knowingly fails to maintain backflow prevention assemblies in compliance with this Section.

(4) A person commits an offense if he knowingly fails to comply with a repair order issued by the Control Authority.

(5) A person commits an offense if he knowingly refuses to permit the Control Authority to enter the premises and building for examination of backflow prevention assemblies.

(6) A person commits an offense if backflow from premises he owns, operates or manages enters the public water supply system.

(7) It is the responsibility of the property owner to have all assemblies repaired in accordance with this Program.

1:12 THERMAL EXPANSION

It is the responsibility of the property owner to eliminate the possibility of thermal expansion if a closed system has been created by the installation of a backflow assembly.

1:13 PRESSURE LOSS

Any water pressure drop caused by the installation of a backflow assembly is not the responsibility of the Atkins Water and Sewer Commission.

1:14 RESIDENTIAL SERVICE CONNECTIONS

Any residential property which has been determined to have an actual or potential cross connection shall be required to have an approved backflow prevention assembly installed in accordance with this Ordinance.

1:15 **COMMERCIAL RENTAL PROPERTIES**

The property owner shall be responsible for the installation, testing and repair of all backflow assemblies on their commercial property. When new tenants occupy the premises, or if the plumbing is altered in any way, it is the responsibility of the owner to notify the Control Authority.

PART 2

2:01 **CROSS CONNECTION INSPECTOR AND BACKFLOW PREVENTION ASSEMBLY TESTER CERTIFICATION**

(1) Employees of the Atkins Water and Sewer Commission shall serve as inspectors to perform cross connection control duties for the City of Atkins Water System.

(2) Backfow prevention assembly testers performing tests for the City of Atkins Water System shall be certified by the Control Authority per the requirements listed below and in the standard operating procedures:

a. be certified by the Arkansas Department of Health.

PART 3

INSTALLATION STANDARDS AND SPECIFICATIONS

3:01 **REDUCED PRESSURE ZONE ASSEMBLY (RPZA)**

RPZAs may be utilized at the premises where a substance is handled that would be hazardous to health if introduced into the potable water system. The RPZA is normally used in locations where an air gap is impractical. The RPZA is effective against both backsiphonage and backpressure.

(1) RPZAs shall be sized to provide an adequate supply of water and pressure for the premises being served. Flow characteristics are not standard. Consult manufacturer's specifications for specific performance data.

(2) Premises where interruption of water supply is critical shall be provided with two assemblies installed in parallel. They shall be sized in such a manner that either assembly will provide the minimum water requirements while the two together will provide the maximum flow required.

(3) Bypass lines are prohibited. Pipe fittings which could be used for connecting a bypass line are prohibited.

(4) The assembly shall be readily accessible for testing and maintenance and shall be located in an area where water damage to building or furnishings will not occur from relief valve discharge. An approved air gap funnel assembly may be used to direct minor discharges away from the assembly: this assembly will not control flow in a continuous relief situation. Drain lines to accommodate full relief valve discharge flow should be considered.

Enclosures shall be designed for ready access and sized allow for the minimum clearances established below. Removable protective enclosures are typically installed on the smaller assemblies. Daylight drain ports shall be provided to accommodate full pressure discharge from the assembly.

All assemblies larger than 2 inches shall have a minimum of 12 inches on the back side, 24 inches on the test cock side, and the relief valve opening shall be at least 12 inches plus nominal size of assembly above the floor or highest possible water level.

Assemblies installed more than 5 feet above floor level shall have a suitable platform for use by testing or maintenance personnel.

(5) The assembly shall be protected from freezing and other severe weather conditions.

(6) Vertical installation is prohibited.

(7) Lines shall be thoroughly flushed prior to installation. A strainer with blow-off tapping may be required ahead of the assembly.

(8) The property owner assumes all responsibility for leaks and damage.

(9) All RPZA assemblies shall be tested in accordance with this Program. Any premises that have RPZA assemblies that have isolation protection without a high hazard containment protection shall be tested every six (6) months. Any premises that have an RPZA assembly as containment protection without a high hazard isolation protection assembly shall be tested every six (6) months. Tests are the responsibility of the assembly owner. The owner shall notify the Control Authority upon installation of any backflow prevention assembly.

(10) Variances from these specifications will be evaluated on a case by case basis. Any deviation(s) shall have prior written approval of the Control Authority.

3:02 DOUBLE CHECK VALVE BACKFLOW PREVENTION ASSEMBLY (DCVA)

Double check valve assemblies may be utilized at premises where a substance is handled that would be objectionable but not hazardous to health if introduced into the potable water system.

(1) DCVAs shall be sized to provide an adequate supply of water and pressure for the premises being served. Flow characteristics are not standard. Consult manufacturer's specifications for specific performance data.

(2) Premises where interruption of water supply is criti shall be provided with two assemblies installed in parallel. They shall be sized in such a manner that either assembly will provide the minimum water requirements while the two together will provide the maximum flow required.

(3) Bypass lines are prohibited. Pipe fittings which could be used for connecting a bypass line are prohibited.

(4) The assembly shall be readily accessible with adequate room for testing and maintenance. DCVAs may be installed below grade, providing all test cocks are fitted with brass pipe plugs. All vaults shall be well drained, constructed of suitable materials, and sized to allow for the minimum clearances established below.

Assemblies 2 inches and smaller shall have at least 3-inch clearance below and on both sides of the assembly. If located in a vault, the bottom of the assembly shall be not more than 24 inches below grade. All assemblies larger than 2 inches shall have a minimum clearance of 12 inches on the back side, 24 inches on the test cock side, and 12 inches below the assembly. Headroom of 6 feet 0 inches is required in vaults without a fully removable top. A minimum access opening of 24 inches square is required on all vault lids.

Assemblies installed more than 5 feet above floor level shall have a suitable platform for use by testing or maintenance personnel.

(5) Vertical installations are allowed on sizes up to and including 4 inches that meet the following requirements:

a. internally spring-loaded check valves;
b. flow is upward through assembly;
c. manufacturer states their assembly can be used in a vertical position;
d. approved by Control Authority.

(6) The assembly shall be protected from freezing and other severe weather conditions.

(7) Lines shall be thoroughly flushed prior to installation. A strainer with blowout tapping may be required ahead of the assembly.

(8) The property Owner assumes all responsibility for [illegible]lation or basement wall penetration, leaks, and damage. The Owner shall also see that the vault is kept reasonably free of silt, debris and water.

(9) All DCVAs shall be tested in accordance with this Ordinance. Tests are the responsibility of the assembly owner. The Owner shall notify the Control Authority upon installation of any backflow prevention assembly.

(10) Variances from these specifications will be evaluated on a case by case basis. Any deviation(s) shall have prior written approval of the Control Authority.

3:03 **DETECTOR DOUBLE CHECK VALVE ASSEMBLY (DDCVA)**

Detector double check valve assemblies may be utilized in all installations requiring a double check valve assembly and detector metering.

(1) DDCVAs shall comply with the installation requirements applicable for double check valve assemblies (DCVAs).

3:04 **AIR GAP SEPARATION**

Air gap separations provide maximum protection from backflow hazards and may be utilized at premises where a substance is handled that would be hazardous to health if introduced into the potable water system.

(1) An air gap separation shall be at least twice the diameter of the supply pipeline measured vertically above the top rim of the receiving vessel - in no case less than one (1") inch.

If splashing is a problem, tubular screens may be attached or the supply line may be cut at a 45 degree angle. The air gap distance is measured from the bottom of the angle. Hoses are prohibited.

(2) Air gap separations shall not be altered in any way without prior approval from the Control Authority and must be available for inspection between the hours of 8:00 a.m. to 4:30 p.m.

(3) Side walls, ribs or similar obstructions do not affect air gaps when spaced from the inside edge of the spout opening a distance greater than three times the diameter of the effective opening for a single, or a distance greater than four times the effective opening for two intersecting walls.

(4) Vertical walls, ribs or similar obstructions extending f[illegible] the water surface to or above the horizontal plane of the spout opening require a greater air gap when spaced closer to the nearest inside edge of spout opening than specified in (3) above. The effect of three or more such vertical walls or ribs has not been determined. In such cases, the air gap shall be measured from the top of the wall.

(5) The effective opening shall be the minimum cross-sectional area at the seat of the control valve or the supply pipe or tubing which feeds the assembly or outlet. If two or more lines supply one outlet, the effective opening shall be the sum of the cross-sectional areas of the individual supply lines or the area of the single outlet, whichever is smaller.

PART 4

4:01 **FIRE SYSTEMS**

(1) An approved double check valve assembly shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use and/or that does not provide for periodic flow-through during each 24 hour period, unless a variance has been issued in writing from the Control Authority. A RPZA assembly shall be installed if any solution other than the potable water can be introduced into the sprinkler system.

PART 5

5:01 **RESPONSIBILITIES**

It is the responsibility of all property Owners and their renters to abide by the conditions of this Ordinance. In the event of any changes to the plumbing system, it is the responsibility of the property Owners to notify the Control Authority. All costs associated with this Ordinance and the purchase, installation, testing and repair of devices shall be the responsibility of the property Owner and their renters.

PART 6

6:01 **ENFORCEMENT**

(1) The Control Authority and the City Attorney, and each of them, is hereby authorized to enforce the provision of this Ordinance by any one or more of the enforcement mechanisms set forth in this Ordinance.

(2) The inspectors, agents or representatives of the Cont[illegible] Authority charged with enforcement of this Ordinance shall be deemed to be performing a governmental function for the benefit of the general public, and neither the Atkins Water and Sewer Commission nor the individual inspector, agent, or representative of the City engaged in inspection or endorsement activities under this Ordinance when acting in good faith and without malice shall ever be held liable for any loss or damage, whether real or asserted, caused, or alleged to have been caused, as a result of the performance of such governmental function.

(3) Failure on the part of any customer to discontinue the use of all cross connections and to physically separate cross connections is sufficient cause for the immediate discontinuance of municipal water service to the premises.

(4) Failure to comply with this Ordinance is a misdemeanor offense.

(5) Any person, firm or corporation who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor upon conviction and shall be punished by a fine of not more than five hundred dollars ($500.00) for each offense. Each additional day that a violation is permitted to exist shall constitute a separate offense and punishable up to two hundred fifty dollars ($250.00) for each day that it may be unlawfully continued.

PART 7

7:01 CONSTITUTIONALITY AND SAVING CLAUSE

If any provision, section, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances are for any reason held to be unconstitutional, void, invalid or for any reason unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or circumstances shall not be affected thereby, it being the intent of the City Council of the City of Atkins in adopting and the Mayor in approving this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, or regulation.

PART 8

8:01 **EMERGENCY CLAUSE**

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

PART 9

9:01 **EFFECTIVE DATE**

PASSED AND APPROVED this 12th day of December, 1995.

APPROVED:

Don Zell
MAYOR

ATTEST:

Brenda Graves
CITY CLERK