

ORDINANCE NO. 2010-02

AN ORDINANCE relating to domestic water system service pipes; amending Chapter 7.68 entitled "Water Division" of the Yakima Municipal Code to clarify responsibility for the operation and maintenance of the service line; specify the method for measuring the owners responsibility for leakage, damage and repair; require the installation of backflow prevention devices in accordance with the procedure set forth; making minor editing changes; and specifically amending sections 7.68.035, 7.68.070, 7.68.090 and 7.68.095 of the Yakima Municipal Code.

Section 1. Sections 7.68.035, 7.68.070, 7.68.090 and 7.68.095 of Chapter 7.68 of the City of Yakima Municipal Code are hereby amended to read as follows:

7.68.035 Service pipes laid by water division.

The installation of service pipes extending from the main to the meter together with the necessary labor and materials for such construction shall be made by the water/irrigation division; provided, however, that at the discretion of the water/irrigation division manager, service pipes extending from the main to the meter may be installed by private contractors according to water/irrigation division approved plans and specifications; provided further, that all meters shall be furnished and installed by the water/irrigation division. The water/irrigation division shall be responsible for the operation and maintenance of the service line from the water main through the meter set to the outside of the water meter set.

7.68.070 Cross-connection control.

A. Cross-Connections. No water service 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 section. The installation or maintenance of a cross-connection which will endanger the water quality of the potable water supply of the City of Yakima shall be unlawful and is prohibited. Any such cross-connection now existing or hereafter installed is declared to be a public nuisance and the same shall be abated. The control or elimination of cross-connections shall be in accordance with this section, together with the latest addition of appropriate manuals of standard practice pertaining to cross-connection control approved by the Washington Department of Health (DOH). The manager shall have the authority to establish requirements more stringent than state regulations if he/she deems that the conditions so dictate. The City of Yakima as the purveyor adopted rules and regulations pursuant to YMC 11.44, the city plumbing code, which shall be used to carry out the provisions of this section.

B. Use of Backflow Prevention Devices.

(1) In the judgment of the purveyor and/or the building official, the backflow prevention devices shall be installed at the time the service connection is made to the premises or the materials used in connection with service connection or within any premises where the nature and extent of the activities, or the materials stored on the premises, would present an immediate and dangerous hazard to health and/or be deleterious to the quality of water should a cross-connection occur. In the judgment of the purveyor and/or the building official backflow prevention devices shall be required under the listed circumstances, even though such cross-connection does not exist at the time of installation, which includes but are not limited to the following:

(a) Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the purveyor.

(b) Premises having internal cross-connections that are not correctable or intricate plumbing arrangements which make it impracticable to ascertain whether or not cross-connections exist.

(c) 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 cross-connections do not exist.

(d) Premises having a repeated history of cross-connections being established or re-established.

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

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

(g) The following types of facilities will fall into one of the above categories where a backflow prevention device is required to protect the public water supply. A backflow prevention device shall be installed at these facilities unless the purveyor and secretary determine that no hazard exists.

1. Hospitals, mortuaries, clinics;
2. Laboratories;
3. Metal plating industries;
4. Piers and docks;
5. Wastewater treatment plants;
6. Food or beverage processing plants;
7. Chemical plants using a water process;
8. Petroleum processing or storage plants;
9. Radioactive material processing plants or nuclear reactors;
10. Mobile home parks;
11. Others specified by the DOH.

(h) Other premises, as specified by the City plumbing code, YMC 11.44, where backflow prevention devices are required to protect the public water supply.

(i) Backflow prevention devices, except for devices used as premises isolation shall be installed by the owner/contractor/developer and inspected by the water/irrigation division and code administration. Where backflow devices are used as premises isolation, all device and installation costs shall be borne by the owner/contractor/developer. At the discretion of the water/irrigation manager the device may be installed by the water/irrigation division or the owner/contractor/developer and shall be inspected by the water/irrigation division and code administration.

(2) The type of protective device required shall depend on the degree of hazard which exists:

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

(b) In the case of a substance that does not constitute a high health hazard, a double check valve assembly, air-gap separation, or a reduced pressure principle backflow prevention assembly shall be installed.

(3) Backflow prevention devices required by this section shall be installed at the meter, or at a location designated by the purveyor. The device shall be located so as to be readily accessible for maintenance and testing, and furthermore, where no part of the device will be submerged.

(4) Backflow prevention devices required by this section shall not be installed until approved by code administration and the water/irrigation division.

(5) The policies, procedures, and criteria for determining appropriate levels of protection shall be in accordance with the DOH and the "Accepted Procedure and Practice in Cross Connection Control Manual—Pacific Northwest Section—American Waterworks Association, Third Edition," or any superseding edition and the City plumbing code, YMC 11.44.

(6) Any protective device required by this section shall be a model approved by the DOH. A double check valve assembly or a reduced pressure principle backflow prevention assembly will be approved if it has successfully passed performance tests of the University of Southern California Engineering Center or other testing laboratories satisfactory to the DOH and the manager. These devices shall be furnished and installed by and at the expense of the customer.

(7) Backflow prevention devices installed pursuant to this section, except atmospheric vacuum breakers, shall be inspected and tested annually or more often if necessary. Maintenance shall be at the customer's expense. Whenever the devices are found to be defective, they shall be repaired, overhauled, or replaced at the customer's expense. Inspections, tests, repairs, and records thereof shall be accomplished under the purveyor's supervision by certified testers and the customer will be charged according to the following schedule of fees:

- (a) For air gap separation inspection, \$15.00;
- (b) For pressure atmospheric vacuum breaker test, \$15.00;
- (c) For double check valve assembly test, \$25.00;
- (d) For reduced pressure backflow assembly test, \$25.00.

(8) No underground sprinkling device will be installed without adequate backflow prevention devices at the point from which the water for irrigation is taken from the public water supply.

(9) Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this section and Washington Administrative Code 246-290 shall be grounds for the termination of water service to the premises, or, in the alternative, the installation of an air-gap separation at the customer's expense.

C. Cross-Connection Inspection.

(1) No water shall be delivered to any structure hereafter built within the City of Yakima or within areas served by the City water until the same shall have been inspected by the code inspector and the water/irrigation division for possible cross-connections and been approved as being free of same.

(2) Any construction for industrial or other purposes which is classified as a hazardous facility pursuant to subsection (B)(1)(g) of this section, where it is reasonable to anticipate intermittent cross-connections, or as determined by the manager, shall be protected by the installation of one or more backflow prevention devices at the point of service from the public water supply or any other location designated by the purveyor.

(3) Inspections shall be made periodically of all buildings, structures, or improvements of any nature now receiving water through the City's system, for the purpose of ascertaining whether cross-connections exist. Such inspections shall be made by the purveyor.

D. Installation Permits. If cross-connection control devices are found to be necessary, the owner of the property served must apply to the City of Yakima code administration and planning manager for a plumbing installation permit.

E. Additional Remedies. In the event an improper cross-connection is not corrected within the time limit set by the manager, 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 property owner and refuse delivery of water to the property until the cost thereof shall have been paid.

7.68.090 Owners responsible for leakage, damage and repair.

Owners of services are responsible for all leaks or damages on account of leaks from privately owned services and privately owned mains leading from the City's mains to the premises served. This includes fire suppression services that were installed without a resilient seat gate valve with a standard valve box at the property/right-of-way line as required by 7.68.275.

7.68.095 Ownership of extensions and service pipe.

The ownership of all main extensions, service pipes and appurtenant equipment maintained by the water/irrigation division shall be vested in the City of Yakima, and in no case shall the owner of any premises have the right to claim or reclaim any part thereof.

In case of privately owned mains and services and where there is no responsible organization or individuals as owners of such mains and services, work done as an accommodation shall not place ownership in the City of Yakima.

Section 2. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL at a regular meeting and signed and approved this 5th day of January, 2010.

/s/ Micah Cawley
Micah Cawley, Mayor

ATTEST

/s/ Deborah Kloster
City Clerk

Publication Date: 1/8/10

Effective Date: 2/7/10