

CITY COUNCIL AGENDA ITEM COVER MEMO

FOR AGENDA OF COUNCIL MEETING/WORK SESSION - DATE: January 8, 2015

ACTION REQUESTED BY: Huntsville Utilities

SUBJECT MATTER: Ordinance

EXACT WORDING FOR AGENDA: Introduction of an Ordinance on water backflow prevention and cross connections. (Utilities: Water)

ORDINANCE: X **RESOLUTION:** **MOTION:**

(IF AMENDMENT, STATE TITLE AND NUMBER OF ORIGINAL): N/A

ITEM IS TO BE CONSIDERED FOR:

INTRODUCTION: X **ACTION:** **DISCUSSION:**

UNANIMOUS CONSENT REQUIRED? No

BRIEFLY STATE WHY THE ACTION IS REQUESTED; WHY IT IS RECOMMENDED OR NOT RECOMMENDED; WHAT COUNCIL ACTION WILL PROVIDE, ALLOW, OR ACCOMPLISH; ANY ASSOCIATED COST; BUDGETED (?); AND ANY OTHER INFORMATION THAT YOU THINK MIGHT BE HELPFUL.

Adoption of this ordinance will allow the Water and Engineering Services Departments to align with Alabama Department of Environmental Management (ADEM) regulations. ADEM regulations state water service should be immediately discontinued to correct any backflow deficiencies. This ordinance also establishes that unauthorized water usage as a misdemeanor.

MAYOR RECOMMENDS OR CONCURS? YES _____ NO _____ N/A _____

SIGNATURE: Jay C. Stowe, President & CEO

DATE: December 19, 2014

ORDINANCE NO. 15-_____

BE IT ORDAINED by the City Council of Huntsville, Alabama that Sec. 26- 539 of the Code of Ordinances of the City of Huntsville adopted November 20, 2007, by Ordinance 0678-1225 and entitled "Section 26-539 Backflow Prevention" is hereby amended as follows;

Section 26-539. Backflow Preventions is hereby deleted and in place thereof, the following is by way of Amendment added:

SECTION 29- 539. BACKFLOW PREVENTION

- (a) Responsibility. The city water system shall be responsible for the protection of the public potable water distribution system from contamination or pollutants due to the backflow or back siphonage of contaminants or pollutants through the water service connection. The Customer has the primary responsibility of preventing pollutants and contaminants from entering their potable water system or the public water system through the elimination or protection of all cross-connections on their premises. The customer's responsibility starts at the service connections to the public potable water system and includes all of their water system
- (b) Backflow preventer required. When any customer or consumer of the city water system is engaged in any type of activity or business, the nature of which may or might result in backflow or backsiphonage which could or might result in pollution or contamination of any portion of the city water system, the city water system shall require such customer or consumer to install, at the expense of the customer or consumer, a backflow preventer of such nature and design, as determined by the city water system to be installed in such places and manner as shall be required by the city water system.
- (c) Inspection and notice. The city water system shall conduct a survey or inspection of the premises of a customer or consumer to determine whether such customer or consumer is engaged in such activity or business as shall require the installation of a backflow preventer and if the city water system determines that such backflow preventer is necessary to prevent possible pollution or contamination of any portion of the city water system, such customer or consumer shall be given written notice by the city water system that such backflow preventer is necessary, together with the type to be installed and the manner and method to install the preventer. Any customer who cannot or will not allow city water system personnel on the premises for an inspection of the customer's water and piping shall be required to install the backflow prevention assembly that will provide the maximum protection to the public potable water supply system. Refusal by a customer to allow an inspection or refusal to

install the required backflow prevention assembly shall be a reason to discontinue service for non-compliance.

(d)

Installation of backflow preventer. The customer or consumer, within a time frame prescribed by the city water system which shall not exceed 90 days, after receipt of the written notice as set forth in subsection (c) of this section, at the expense of the customer or consumer, shall install the backflow preventer as specified by the city water system in the manner and method as set forth by the city water system.

(e)

Failure to install backflow preventer. If the customer or consumer fails or refuses to install a backflow preventer as specified in the manner and method as set forth by the city water system, or fails or refuses to install the specified backflow preventer in a manner and method as set forth by the city water system, within 90 days from the receipt of the written notice from the city water system to the customer or consumer, which written notice is set forth in subsection (c) of this section, the city water system shall terminate the water supply to such customer or consumer until such time as the specified backflow preventer is installed in the manner and method as required by the city water system. For justifiable cause shown, the city water system may grant written extensions of time to install the specified backflow preventer for such periods of time as shall be reasonable.

(f)

Discontinuance of Service. The city water system may deny or discontinue water service to any customer if a required backflow prevention device is not installed, tested or properly maintained, or if a cross-connection exists on the premises and there is inadequate backflow protection at the service connection. Water service shall not be restored to such premises until the deficiencies have been corrected or eliminated.

(g)

Unauthorized Consumption. Any Person or persons who fails to install backflow preventer within the time required by the city water system and takes or causes to be taken any water from the city water system or carries away or causes to be carried away water for any purpose or use whatsoever without first obtaining the consent and permission of the city water system shall be guilty of a misdemeanor.

ADOPTED this _____ day of
_____, 2015.

President of the City Council of
the City of Huntsville, Alabama

ADOPTED this _____ day of
_____, 2015.

Mayor of the City of Huntsville,
Alabama