

ORDINANCE NO. VWD-005

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE VICTORVILLE WATER DISTRICT ADOPTING AN ORDINANCE REGULATING THE CONTROL OF BACKFLOW AND CROSS-CONNECTIONS

WHEREAS, the Victorville Water District (the "District") constructs, owns, operates, improves and maintains the **Public Potable Water System** and related facilities and infrastructure that serves the District's existing customers and provides water service availability to new customers and developments within the jurisdictional boundaries of the District; and

WHEREAS, the District wishes to establish, by Ordinance, reasonable and uniform procedures for the elimination or control of Backflow and Cross-Connections to ensure the protection of the District's facilities and to protect the public health, safety and welfare; and

WHEREAS, pursuant to Title 17, Division 1, Chapter 5, Subchapter 1, Group 4 of the California Code of Regulations, the District is responsible to protect the Public Potable Water System from the possibility of contamination or pollution by isolating within the Consumer's internal distribution system(s) or the Consumer's private water system(s) such contamination or pollution which could Backflow into the Public Potable Water System; and

WHEREAS, the District seeks to promote the elimination or control of existing Cross-Connections, actual or potential, between the Consumer's internal Potable Water System(s) and non-potable water system(s), plumbing fixtures and commercial, agricultural, and industrial piping systems; and

WHEREAS, the District is responsible to provide for the maintenance of a continuing Program of Cross-Connection Control which will systematically and effectively prevent the contamination or pollution of the Public Potable Water System.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE VICTORVILLE WATER DISTRICT AS FOLLOWS:

SECTION 1: FINDINGS, AUTHORITY, AND GENERAL PROVISIONS

- 1.01.** In establishing its procedures, the Board of Directors (the "Board") has:
 - 1.01.01.** given notice of the public hearing to be held in connection with this Ordinance, and the District has complied with all notice and public hearing requirements of the law; and
 - 1.01.02.** received, reviewed and given due consideration to the evidence presented in connection with the procedures established by this Ordinance, including the various reports and other information received by the Board of Directors in the course of its business; and

- 1.02. **Authority and Enabling Statutes.** This Ordinance is adopted pursuant to the applicable provisions of Title 17, Division 1, Chapter 5, Subchapter 1, Group 4 of the California Code of Regulations, and pursuant to Chapter 4 of Part 12 of Division 104 of the California Health and Safety Code.
- 1.03. **Purpose.** This Ordinance is intended to provide reasonable and uniform rules and regulations applicable to the elimination or control of Backflow and Cross-Connections. This Ordinance may be amended from time to time by action of the Board. If not otherwise provided, such amendments shall be done by Ordinance.
- 1.04. **Words and Phrases.** For the purpose of this Ordinance all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.
- 1.05. **Notices.** Whenever a notice is required to be given under this Ordinance, unless different provisions are specifically made herein, such notice may be made by a good faith effort to provide such notice either by personal delivery thereof to the person to be notified or by deposit in the U.S. Mail in a sealed envelope, postage prepaid, addressed to such person at his/her last known business or residence address as the name appears on public records or other records pertaining to the matter to which the notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office. Proof of giving any notice may be made by the certificate of any officer or employee of the District or by affidavit of any person over the age of eighteen years, which shows service in conformity with this Ordinance or other provisions of law applicable to the subject matter concerned.
- 1.06. **Ruling Final.** All rulings of the Authorized Administrator may be appealed in writing to the Board within ten (10) business days of the ruling. All rulings of the Board shall be final.
- 1.07. **Investigative Powers.** In order to enforce the provisions of this Ordinance, the District may enter upon the private property of any person within the jurisdiction of the District in accordance with Water Code Section 31016, which includes procedures for emergencies.
- 1.08. **Charges and Fees.** The rules, regulations, policies and procedures governing the billing, collection, and administration of backflow and cross-connection services and administrative charges and fees shall be as set forth in such resolutions as the District may adopt from time to time by majority vote.

SECTION 2: DEFINITIONS.

Unless the context specifically indicates otherwise, the following terms and phrases, where capitalized in this Ordinance, shall have the meanings hereinafter designated.

- 2.01. **“Authorized Administrator”** shall mean the Director of Water District or other such designee as established by a duly adopted resolution of the District or his/her duly authorized designee.
- 2.02. **“Authorized Representative”** means a person duly authorized by the Authorized Administrator of the District, or his/her designee.

- 2.03. **“Air Gap”** shall mean a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An **“Approved Air Gap”** shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel and in no case less than one (1) inch.
- 2.04. **“Approved Backflow Prevention Assembly”** shall mean an assembly that has been investigated and approved by the Administrative Authority. The approval of Backflow Prevention Assemblies by the Administrative Authority shall be on the basis of a favorable laboratory and field evaluation report by an Approved Testing Laboratory recommending such approval. All components of an Approved Backflow Prevention Assembly shall meet the State of California’s low lead requirements as stated in Assembly Bill 1953.
- 2.05. **“Approved Testing Laboratory”** shall mean The Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California or other laboratory having equivalent capabilities for both the laboratory and field evaluation of Backflow prevention assemblies.
- 2.06. **“Auxiliary Water Supply”** shall mean any water supply on or available to the premises other than the Water Supplier’s approved Public Potable Water Supply. These auxiliary waters may include water from another purveyor’s public potable water supply or any natural source such as a well, spring, river, stream, harbor, etc. They may be polluted or contaminated or they may be objectionable and constitute an unacceptable water source over which the Water Supplier does not have sanitary control.
- 2.07. **“Backflow”** shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the Water Supplier’s potable water supply system.
- 2.08. **“Certified Backflow Prevention Assembly Tester”** shall mean a person who has proven ability in field testing Backflow prevention assemblies to the satisfaction of the Administrative Authority through the San Bernardino County Department of Public Health’s Backflow certification testing program.
- 2.09. **“Consumer”** shall mean the owner or operator of an on-site water system(s) having a Water Service Connection from the District.
- 2.10. **“Consumer’s Potable Water System”** shall mean the portion of the privately owned Potable Water System lying between the Point of Delivery and the point of use. This system includes all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store, treat or utilize the Potable Water.
- 2.11. **“Consumer’s Water System(s)”** shall mean any water system located on the Consumer’s premises whether supplied by the District or an Auxiliary Water Supply. The system(s) may be either a Potable Water System or an industrial piping system.
- 2.12. **“Contaminant”** shall mean any substance that may impair the quality of water in such a way as to create an actual hazard to the public health through poisoning, the spread of disease, etc.

- 2.13. **“Cross-Connection”** shall mean any actual or potential connection or structural arrangement between a public or a Consumer’s Potable Water System and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended Potable Water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which Backflow can occur are considered to be Cross-Connections.
- 2.14. **“District”** shall mean the Victorville Water District, a county water district.
- 2.15. **“Point of Delivery”** see **“Water Service Connection.”**
- 2.16. **“Potable Water”** shall mean water from any source which has been investigated by the California Department of Public Health, and which has been approved for human consumption.
- 2.17. **“Public Potable Water System”** shall mean the District’s water system, operated under a valid permit from the California Department of Public Health to supply water for domestic purposes and includes all sources, facilities, and appurtenances under the complete control of the Water Supplier between the source and the point where the Consumer’s Water System begins. The water system shall include valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, treat, and store Potable Water for public consumption or use.
- 2.18. **“Public Right-of-Way”** shall mean a form of easement typically dedicated to the District during subdivision for public use. Right-of-way is an area of land over which people and goods have the right to pass or travel. Right-of-way may also be deeded, in which case, it is not an easement, but land owned in fee by the District.
- 2.19. **“Readily Accessible”** shall mean capable of being reached for testing and/or maintenance, including removal of any access panel, door, or similar obstruction.
- 2.20. **“Reduced Pressure Principal Backflow Prevention Assembly (‘RP’)**” shall mean an assembly containing two independently acting, approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. The assembly shall include tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks.
- 2.21. **“Reduced Pressure Principal Detector Backflow Prevention Assembly (‘RPDA’)**” shall mean a specially designed assembly composed of a line-size approved reduced pressure principal assembly with a bypass containing a specific water meter and an approved reduced pressure principal assembly. The meter shall show a registration for all rates of flow.
- 2.22. **“Service Protection”** shall mean the appropriate type or method of Backflow protection required at the Water Service Connection.
- 2.23. **“Water Service Connection”** shall mean the terminal end of a Service Connection from the Water Supplier where the Water Supplier’s jurisdiction and sanitary control of the water ends and the Consumer’s water system begins. The Consumer’s water system typically begins where piping exits the water meter enclosure.
- 2.24. **“Water Supplier”** shall mean the District.

SECTION 3: REQUIREMENTS

3.01. General Requirements.

No Water Service Connection to any premises shall be installed or maintained by the District unless the water supply is protected as required by applicable law and this Ordinance. In order to ensure water supply protection, the Water Supplier requires the following:

- 3.01.01.** An Approved Air Gap shall be required on a Water Service Connection to any facility involved in the collection and/or treatment of wastewater. The Approved Air Gap shall be visible to District personnel without the need to access the premises and shall be located before the first branch line leading off the service line. An Approved RP Backflow Prevention Assembly may be required by the District, as approved by the Authorized Administrator, in lieu of an Approved Air Gap so long as the Approved RP Backflow Prevention Assembly is approved by the California Department of Public Health and the Water Supplier.
- 3.01.02.** Except for a wastewater treatment facility, an Approved RP Backflow Prevention Assembly shall be installed on all agricultural, commercial, industrial, institutional, and multi-family residential water services unless otherwise provided for herein.
- 3.01.03.** In the case of 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 Water Supplier, an Approved Air Gap or RP Backflow Prevention Assembly shall be installed in the service line.
- 3.01.04.** Any Backflow prevention assembly required herein shall be Readily Accessible and installed as close to the Water Service Connection as possible; but, in all cases, before the first branch line leading off the service line and shall not be in the Public Right-of-Way. Installation of a Backflow prevention assembly at a location other than described in this section must be approved in advance by the Authorized Administrator or his/her designated agent.
- 3.01.05.** Any Backflow prevention assembly required herein shall be a make, model, and size approved by the Water Supplier and shall have completely met the laboratory and field performance standards of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California.
- 3.01.06.** Upon the installation of an approved Backflow assembly(s) required under this section, the Consumer grants an irrevocable right to the District to access the assembly(s) for purposes of inspecting, monitoring performance, performing periodic maintenance and/or repairs, closing the assembly, and discontinuing service to the property should such measures be required in order to protect the Water District's system.

3.02 Existing Service Connections.

3.02.01 Assembly Replacement

An assembly shall be replaced at the Consumer's expense by an Approved Backflow Prevention Assembly meeting the requirements of this Ordinance when any of the following exist:

- a. An existing device is moved from the present location, or

- b. An existing devices requires more than minimum maintenance,
or
- c. When improvements are made to the existing water system, or
- d. When the District finds that the maintenance report indicates a health hazard.

3.02.02 Domestic Services.

Existing agricultural, commercial, industrial, institutional, and multi-family water service Customers who are found to not have Service Protection required in this Chapter shall install an Approved RP Backflow Prevention Assembly.

- a. Existing customers who make improvements or additions to the existing domestic water system(s) shall be required to upgrade backflow protection for the existing domestic water system(s) to the current standard.
- b. When improvements to an existing property are made without improvements to an existing domestic water system on the property, an inspection of the Consumer's existing domestic water system will be conducted by an Authorized Representative of the District in order to determine the need, if any, for the installation of an Approved RP Backflow Prevention Assembly.
- c. All existing Backflow prevention assemblies which do not meet the requirements of this Chapter, but were approved devices for the purposes described herein at the time of installation and which have been properly maintained and tested, shall, except for the field testing and maintenance requirements under subsection 4.04 and the annual maintenance fees listed under subsection 1.10, be excluded from the requirements of this Chapter so long as the District has determined that they will satisfactorily protect the Water District's system.

3.02.03 Fire Services.

Existing customers who have dedicated fire sprinkler systems that are found to not have Service Protection required in this Chapter shall install an Approved RPDA Backflow Prevention Assembly. Customers who have existing fire systems without an Approved RPDA Backflow Prevention Assembly installed for service protection and that do not contain any type of chemical additives, including anti-freeze or a corrosion inhibitor, must install an Approved RPDA Backflow Prevention Assembly within ninety (90) days of the effective date of this Ordinance. Customers who have existing fire systems without an Approved RPDA Backflow Prevention Assembly installed for service protection and that do contain any type of chemical additives, such as anti-freeze or a corrosion inhibitor, must install an Approved RPDA Backflow Prevention Assembly within thirty (30) days of the effective date of this Ordinance.

- a. Existing customers who make improvements or additions to the existing fire system(s) shall be required to upgrade backflow protection for the existing fire system(s) to the current standard.

- b. When improvements to an existing property are made without improvements to an existing fire sprinkler system on the property, an inspection of the Consumer's existing fire sprinkler system will be conducted by an Authorized Representative of the District in order to determine the need, if any, for the installation of an Approved RPDA Backflow Prevention Assembly.
- c. All existing single-check fire detector assemblies which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained shall be excluded from the requirements of these rules provided the following conditions are met:
 - 1. There are no chemicals added to the fire sprinkler system.
 - 2. The existing fire sprinkler system has only one connection to the Water Supplier's system.

If one or both of the above conditions are not met, or if the District determines the Water District's system is no longer protected due to the condition of the device, an Approved RPDA Backflow Prevention Assembly will be required to be installed.

3.02.04 If an Approved Backflow Prevention Assembly is required to be installed on an existing Water Service Connection for the safety of the Public Potable Water System; the Authorized Administrator, or his/her designated agent shall give notice in writing to said Consumer to install an Approved Backflow Prevention Assembly(s). The Consumer shall install such an Approved Backflow Prevention Assembly(s) at the Consumer's own expense.

3.02.05 The time allowed for the installation of an assembly(s) required under this section shall be dependent on the potential of pollution or contamination to the Water Supplier's system as determined by an inspection of the Consumer's water system by an Authorized Representative of the District.

3.02.06 At the Consumer's expense, an Authorized Representative shall conduct the initial field test on all newly installed Backflow prevention assemblies unless the new assembly is replacing an existing assembly that no longer meets the requirements of this Chapter

3.03 New Service Connections.

3.03.01 Domestic Services.

Except for a wastewater treatment facility, an Approved RP Backflow Prevention Assembly shall be installed on all Agricultural, Commercial, Industrial, Institutional, and Multi-Family Residential water services unless otherwise provided for herein.

3.03.02 Fire Services.

An Approved RPDA Backflow Prevention Assembly shall be installed on all new fire sprinkler systems, including residential systems, with a dedicated Water Service Connection.

3.03.03

Hydrant Meter Services.

An Approved RP Backflow Prevention Assembly shall be included in the use of Hydrant Meters and any deposit required shall include the replacement cost of such RPDA Backflow Prevention Assembly, if the RP Backflow Preventer is supplied by the District.

3.03.04

At the Consumer's expense, District personnel shall conduct the initial field test on all newly installed Backflow prevention assemblies.

3.03.05

Assemblies required under this Chapter shall be properly installed and tested prior to activation of Water Service Connection by the District.

3.04. Requirements for Residential Fire Service.

New and existing single-family dwellings containing fire sprinkler systems branching off the water service line may require an Approved Backflow Prevention Assembly. The need for protection from Backflow, the type of Backflow protection required, and the Backflow assembly location shall be determined by the District during the improvement plan review process or through an inspection of the Consumer's water system by an Authorized Representative of the District.

3.05 Requirements for Field Testing and Maintenance.

3.05.01

It shall be the responsibility of the Consumer, and at the sole cost of the Consumer, at any premises where Backflow prevention assemblies of any type are installed to have a field test performed by a San Bernardino County Certified Backflow Prevention Assembly Tester at least once per year.

3.05.02

In those instances where the Authorized Representative deems the hazard potential great enough, more frequent testing intervals may be required. These tests shall be at the expense of the Consumer and shall be performed by a San Bernardino County Certified Backflow Prevention Assembly Tester.

3.05.03

Whenever said assemblies are found to be defective, they shall be repaired, overhauled, or replaced at the expense of the Consumer.

3.05.04

The time allowed for the repair or replacement of the assembly(s) shall be dependent on the potential of pollution or contamination to the Water Supplier's system.

3.05.05

Records of such tests and repairs shall be submitted to the District within seven (7) business days of such tests and/or repairs.

SECTION 4. DISCONTINUANCE OF WATER

4.01. The District shall discontinue water service to any premises in the event that any one of the following occurs:

4.01.01. A Backflow prevention assembly required by this Ordinance is not installed, tested, and maintained;

4.01.02. A Backflow prevention assembly has been removed or bypassed;

4.01.03. An unprotected Cross-Connection exists on the premises.

- 4.01.04.** Failure, refusal, or inability on the part of the Consumer to install, test, and maintain approved Backflow assemblies required by this Ordinance.
 - 4.01.05** Upon District's knowledge of unprotected Cross-Connections or other sanitary hazards, including violations of any regulation contained in this Chapter. In addition, discontinuance under these circumstances, the District shall immediately discontinue water service to the premises by providing for a physical break in the service line until the Water Supplier has verified the correction of the condition(s).
- 4.02.** If the Authorized Administrator finds that a Consumer's Water System poses an active threat of contamination of the Public Potable Water System, discontinuance of water service to the premises will be immediate.
 - 4.03.** Service to any premises will not be restored until such conditions or defects are corrected and verified by the Water Supplier.
 - 4.04.** For termination of service pursuant to Backflow assemblies, services will not be restored until such assemblies have been properly installed and have been tested and maintained by a San Bernardino County Certified Backflow Prevention Assembly Tester.

SECTION 5. INSPECTION

The Consumer's water system shall be open for inspection at all reasonable times to Authorized Representatives of the Water Supplier to determine whether unprotected Cross-Connections or other sanitary hazards, including violations of these regulations, exist. Such inspections shall be made pursuant to applicable law (i.e. Water Code Section 31016).

SECTION 6. FUTURE POLICIES

The District will maintain a written Backflow Protection and Cross-Connection Control Program, adopted by Resolution, that will implement this Ordinance as it may be revised from time to time.

SECTION 7. SEVERABILITY.

In approving the rules and regulations set forth in this Ordinance, the Board intends to comply with all applicable laws. If any provision established herein is held to be invalid under existing or subsequently enacted law, it is the intent of the Board that any provisions of the Ordinance found to be invalid, if possible, shall be deemed revised to the extent required to render them valid and lawful; and that such provisions approved herein which are not so invalidated shall be in full force and effect until repealed or modified by action of the Board of Directors. Further, if any section, subsection, sentence, clause or phrase of this Ordinance is found, for any reason, to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 8. POSTING.

Upon adoption, this Ordinance shall be entered in the minutes of the Board and certified copies hereof shall be posted in accordance with the law.

SECTION 9. EFFECT OF HEADING.

The title, division or section headings contained in this Ordinance shall not be deemed to govern, limit or modify in any manner, the scope, meaning or intent of any section or subsection of this Ordinance.

SECTION 10. CONFLICT IN PROVISIONS.

In the event that the provisions of this Ordinance conflict with any code, ordinance or regulation of the District, the provisions of this Ordinance shall govern. In the event any provision of this Ordinance conflicts with a preemptive provision of State law, this Ordinance shall be interpreted and applied in conformity with State law.

SECTION 11. EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after its final passage.

PASSED and APPROVED this ____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PRESIDENT, VICTORVILLE WATER
DISTRICT BOARD OF DIRECTORS

ATTEST:

SECRETARY TO THE BOARD

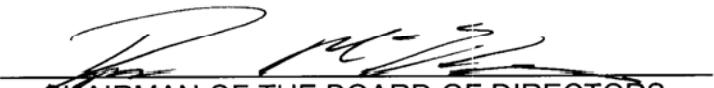
APPROVED AS TO FORM:

WATER DISTRICT COUNSEL

Ordinance No. VWD-005

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT ON JANUARY 5,
2012

PASSED, APPROVED AND ADOPTED THIS 6th DAY OF DECEMBER 2011



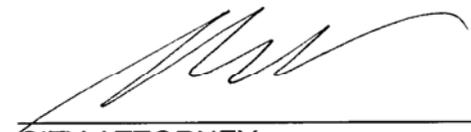
CHAIRMAN OF THE BOARD OF DIRECTORS

ATTEST:



BOARD SECRETARY/CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

I, CAROLEE BATES, Board Secretary to the Victorville Water District of the City of Victorville and ex-officio Clerk to the City Council of said City, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. VWD -005 which was introduced at a meeting held on November 15, 2011 and duly adopted at a meeting held on the 6th day of December 2011 by the following roll call vote, to wit:

AYES: Board Members Cabriales, Kennedy, McEachron, Rothschild and Valles

NOES: None

ABSENT: None

ABSTAIN: None



BOARD SECRETARY/CITY CLERK