

## ORDINANCE 2021-23

**AN ORDINANCE OF THE CITY COUNCIL OF NORTH OGDEN CITY ADOPTING WATER SUPPLY SHORTAGE AND DROUGHT CONDITION MEASURES FOR THE PROTECTION OF AVAILABLE WATER SUPPLY AND QUALITY THEREOF FOR DOMESTIC INDOOR USE, PUBLIC HEALTH AND FIRE PROTECTION, WHILE MINIMIZING WATER SHORTAGES AND OTHER WATER SUPPLY EMERGENCIES.**

**WHEREAS**, the City of North Ogden currently requires the installation of secondary water systems for outdoor watering thereby encouraging preservation of culinary water supply at all sources; and

**WHEREAS**, due to existing drought conditions in the State, and specifically along the Wasatch Front, watering restrictions are necessary to protect public health and safety; and

**WHEREAS**, the City Council of North Ogden City has been provided with general information from City Staff on the impacts of water supply limitations and the Council has been further advised that City culinary water supply is not sufficient to provide for outdoor watering as a supplement to or in place of secondary water sources; and

**WHEREAS**, it is recognized that the supply of culinary water service is an essential resource for the public health and safety for North Ogden City; and

**WHEREAS**, the City Council has determined that to protect public health and safety, a three stage restriction on culinary water use is mandatory and must be Implemented;

**NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL OF NORTH OGDEN CITY, STATE OF UTAH, AS FOLLOWS:

### **9-2-1: FINDINGS**

The city council has determined that heavy demand is being placed upon the culinary water system by use of culinary water for irrigation purposes, and that such heavy demand, if continued, could result in a shortage of culinary water and could result in inadequate water supply for fire protection in some areas.

### **9-2-2: CONNECTION TO SECONDARY WATER SYSTEM**

It is unlawful for the owner of any residential or agricultural property to fail to connect to a secondary water system.

### **9-2-3: BACKFLOW AND CROSS CONNECTIONS**

A. Purpose: The purposes of these provisions are to:

1. Protect the public potable water supply of the city from the possibility of contamination or pollution by containing within the customer's internal

- distribution system contaminants or pollutants which could backflow into the public water systems; and
2. Promote the elimination or control of existing cross connections, actual or potential, between the customer's in house potable water system and nonpotable water system, plumbing fixtures, industrial piping systems; and
  3. Provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.
- B. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

**APPROVED BACKFLOW ASSEMBLY:** The backflow assembly accepted by the Utah department of health as meeting an applicable specification or as suitable for the proposed use.

**AUXILIARY WATER SUPPLY:** Any water supply on or available to the premises other than the city public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another city/municipality's public potable water supply, a pressured irrigation system, or any natural source such as a well, spring, river, stream, harbor, etc., or used waters or industrial fluids.

**BACK PRESSURE:** The flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of potable water supply system from any source other than the intended source.

**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 the intended source.

**BACKFLOW:** The reversal of the normal flow of water caused by either back pressure or back siphonage.

**BACKFLOW PREVENTION ASSEMBLY:** An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the international plumbing code, and the cross connection control program for Utah. All backflow prevention assemblies must be approved by the Utah department of health prior to installation. A listing of these approved backflow prevention assemblies is available from the Utah department of health.

**CONTAMINATION:** An impairment of the quality of the potable water supply by sewage, industrial fluids, waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

**CROSS CONNECTION:** Any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one of which

contains potable water and the other nonpotable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, four (4) way plug valves, spools, dummy sections of pipe, swivel or changeover devices or sliding multiport tubes.

**CROSS CONNECTION, CONTAINMENT:** The installation of an approved backflow prevention assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water supply system; or, it shall mean the line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of the cross connection (isolation).

**C. Responsibility Of Officials:**

1. **City:** The city shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. The public works director, or his agent ("water authority"), is vested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this section. If, in the judgment of the water authority, an approved backflow prevention assembly is required (at the customer's water service connection or within the customer's private water system) for the safety of the water system, the water authority shall give notice in writing to said customer to install such an approved backflow prevention assembly) at a specified location on his premises. The customer shall immediately install such approved assembly at the customer's own expense. Failure, refusal or inability on the part of the customer to install, have tested and maintain said assembly shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.
2. **Building Inspection Division:** The building inspection division has the responsibility to review building plans and inspect plumbing installations to ensure compliance with the current edition of the international plumbing code as adopted by the city and the state with respect to cross connections and back siphonages. The building inspection division's responsibility begins at the point of service (the downstream side of the meter) and carried throughout the entire length of the customer's water system.
3. **Certified Backflow Assembly Technician:** Certified backflow assembly technicians only shall do the testing of backflow prevention assemblies. The certified technician must tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and air gap,

showing the serial number of the assembly, date tested and by whom. The technician's license number must also be on this tag. All repairs and maintenance of the assemblies shall be accomplished by a licensed plumber.

D. Requirements:

1. Service of water to any premises shall be discontinued by the city if a backflow prevention assembly required by this section for control of backflow and cross connections is not installed, tested and maintained, or it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
2. The customer's system shall be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross connections exist.
3. An approved backflow prevention assembly shall be installed on each service line to a nonresidential customer's water system, at or near the property line or immediately inside the building being served, when it is deemed necessary by the utility to conform to public law 93-253, (the safe drinking water act of 1974), occupational safety and health rules and regulations (section 1910.141, subpart J), Utah Code § 19-4-112, Utah public drinking water regulations (sections 2.4, and 12.5), and the Utah plumbing code, revised September 1990, chapter 10. In all cases, the assembly will be installed before the first branch line leading off the service line, whenever the city deems the protection of the water supply to be in the best interest of the water supply customers.
4. The type of protective assembly required under subsection D3 of this section, shall depend upon the degree of hazard which exists at the point of cross connection (whether direct or indirect), as stipulated in the international plumbing code.
5. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies 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 so long as the city is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or requires more than minimum maintenance or when the city finds that the maintenance of the assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section.
6. It shall be the duty and responsibility of the customer at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year at the customer's expense. In those instances where the city deems the hazard to be great, it may require certified inspections and tests at a more frequent interval. These inspections and tests shall be performed by a certified backflow assembly technician.

7. Backflow prevention assemblies shall be installed in water supply lines to provide at least the degree of protection stipulated in the international plumbing code.
8. All backflow prevention assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the person or persons having control of such assemblies. Upon inspection, any assembly found to be defective or inoperative shall be replaced or repaired. No assembly shall be removed from use, relocated or another assembly substituted, without the approval of the city.
9. All backflow prevention assemblies shall be tested within ten (10) working days of initial usage.
10. No backflow prevention assembly shall be installed so as to create a safety hazard. Example: Installed over an electrical panel, steam pipe, boilers, pits or above ceiling level.
11. No cross connections are allowed between the city culinary system and any other water system.

#### **9-2-4: USE OF CULINARY WATER FOR IRRIGATION PROHIBITED**

Except as authorized below, it is unlawful for any person, whether owner or occupant, of any residential or agricultural property, to use culinary water from the city waterworks for the purpose of irrigating any yard, garden, lawn, field or for livestock watering. Building permits for residential structures shall not be issued unless there is a pressurized secondary water system serving the property.

- A. During times of drought or emergency the Mayor may declare a critical water emergency with a focus on the use of potable water for drinking and sustaining human life.
  1. At the next Council meeting the Council will take a vote to affirm, overturn, or amend the Mayor's declaration of a critical water emergency.
  2. The Council may also make any water rate adjustments by amending the fee schedule which will go into effect at the beginning of the next month.
    - a. Any adjustments in water rates shall be notified to the account holders in the upcoming bills, or by mailing notices to each account directly.
- B. Upon the declaration of a critical water emergency the following shall apply:
  1. The Mayor shall determine the water restrictions in the following areas
    - a. Use of culinary water on lawns and turf
    - b. Use of culinary water on shrubs, trees and flowering plants.
    - c. Use of culinary water for livestock
    - d. Use of culinary water for washing clothes, showering, bathing, and other non-life sustaining sanitary needs.
- C. Penalty
  1. An initial violation of this ordinance shall result in the issuance of a warning civil citation from the city. A second violation shall be a civil citation and be punishable by a fine not to exceed \$250.00, and the discontinuation of inappropriate culinary water use with the disconnection of culinary water service. Culinary water will be restored upon payment of this fine. A third violation shall also be a civil citation and shall be punishable by a fine not to



exceed \$500.00, and by the disconnection of culinary water until the fine is paid. A fourth violation shall be a Class B misdemeanor and shall be punishable as such. Culinary water service will be restored upon payment of any fines due and after a minimum two (2) day waiting period.

D. Enforcement

1. Any employee associated with the Water Department as well as Code Enforcement Officers may issue civil citations related to the use of water in violation of a critical water emergency declaration.

**9-2-5: PENALTY**


Unless otherwise noted, any person violating any provision of this chapter is guilty of a class B misdemeanor and shall be subject to penalty as provided in CCNO 1-4-1.

**SECTION 2: Severability** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**SECTION 3:** This ordinance shall take immediate effect.

**PASSED and ADOPTED this 13<sup>th</sup> day of July 2021.**

North Ogden City:



Neal Berube  
North Ogden City Mayor

**CITY COUNCIL VOTE AS RECORDED:**

	<b>Aye</b>	<b>Nay</b>
Council Member Barker:	<u>X</u>	___
Council Member Covering:	<u>X</u>	___
Council Member Ekstrom:	<u>X</u>	___
Council Member Stoker:	<u>X</u>	___
Council Member Swanson:	<u>X</u>	___
Mayor Berube	<u>X</u>	___

ATTEST:



Susan L. Nance, CMC  
City Recorder

