

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE NO. 2006-06**

AN ORDINANCE ESTABLISHING A CROSS CONNECTION PREVENTION PROGRAM;
PROVIDING DEFINITIONS AND REQUIREMENTS; PROVIDING FOR A PENALTY CLAUSE,
REPEALER CLAUSE, SEVERABILITY CLAUSE AND FOR AN EFFECTIVE DATE

** ** * * *

WHEREAS, the Kentucky Natural Resources and Environmental Protection cabinet have enacted administrative regulations, which require every public water system to determine if or where cross connections exist and to eliminate them; and

WHEREAS, the City Council in and for the City of Russellville, Kentucky has a responsibility to protect the public health by providing a safe source of drinking water, and that cross connections could affect the health and economic growth of the community;

NOW, THEREFORE, BE IT ORDAINED by the City Council in and for the City of Russellville, Kentucky:

SECTION I. PURPOSE AND AUTHORITY

It is the purpose of this Ordinance to establish a:

(A) Program to assure that the public water supply is protected from any auxiliary water supply which may cause contamination due to backflow or cross connections. The City Council recognizes that contamination of the public water supply presents an imminent health hazard to the residential and non-residential users of the public water system; the threat of significant economic loss due to disrupted water service to such residential and nonresidential water users and the potential liability to the City.

(B) It is the further purpose of this ordinance to meet the requirements of 401 KAR 8:020 as promulgated by the Kentucky Environmental and Public Protection Cabinet.

(C) This ordinance is enacted under the power vested in the City by KRS 82.082.

SECTION II. DEFINITIONS.

As used in this ordinance, unless the context clearly requires a different meaning:

(A) "Auxiliary Water Supply" means any water supply on or available to the premises other than the City's public water supply. These auxiliary waters may include water from any natural source such as a well, spring, river, stream or body of water or any

water or other substance of unknown or questionable quality that may present a health or system hazard to the potable public water supply.

(B) "Backflow" means the reversal of the normal flow of water caused by either back pressure or back siphonage.

(C) "Backflow Prevention Assembly" means an assembly or means designed to prevent backflow. A listing of acceptable backflow prevention assemblies and degree of hazard is available in the Kentucky State Plumbing Law, Regulations and Code.

(D) "Contamination" means an impairment of the quality of the potable water supply by any waste product, fluid, substance, compound or other material to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

(E) "Cross Connection" means any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems one of which contains potable water and the other non-potable water or substance of questionable quality, through which, or because of which, backflow may occur into the potable water system.

(F) "Thermal Expansion Tank" means a device installed on the cold water supply line near a water heater to compensate for the expansion of water within a water system when such water is heated.

SECTION IV. REQUIREMENTS. The City shall provide protection to the public water system against backflow by implementing the following requirements.

(A) "Residential" - Buildings used for habitation or occupancy shall be considered as residential buildings. No new water service connection to any premises shall be installed or allowed to be installed by the City unless such service connection is protected by a backflow prevention assembly. Residential service connections shall be considered as low hazard applications and all such connections shall have at a minimum a dual check valve backflow preventer installed between the water meter and the residence. The City may require additional or alternate backflow prevention assemblies if the degree of hazard constitutes a higher level of protection for the public water system.

(B) "Non-Residential" - No new water service connection to any non-residential facility shall be installed or allowed to be installed by the city unless such water service connection is protected by a backflow prevention assembly. The type of protective device required shall be determined at the time of installation of the service connection and shall be commensurate with the degree of hazard at the point of such service connection. At a minimum the service connection shall be installed with a dual check valve backflow preventer. In the event activities to occur within a non-residential

facility change and creates a higher degree of hazard, then the backflow prevention assembly shall be replaced with an assembly which provides acceptable protection.

(C) "Inspections" - The customer's water system shall be open for inspection at all reasonable times to authorized representatives of the City to determine whether cross connections or other structural or sanitary hazards, including violation of this ordinance, exist. When such a condition becomes known, the city shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition in conformance with the State and City laws relating to plumbing, water supplies and the regulations adopted pursuant thereto. Water service to any premises shall be discontinued if it is found that a backflow prevention assembly required by this ordinance 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.

(D) "Existing service connections" - All existing water service connections which do not have backflow prevention assemblies or existing water service connections which have less than the minimum required backflow prevention assemblies, shall, except for the inspection requirements, be excluded from the requirements of this Ordinance so long as the City is assured that the public water system is satisfactorily protected. However, if the City determines that a hazard to health exists, then a backflow prevention assembly meeting the requirements of this Ordinance may be installed on such existing service connection. Backflow prevention assemblies shall not be installed on existing service connections until after the property owner of such residential or commercial property has been informed of the actual and potential hazards that may be created as a result of such backflow assembly installation. Notices provided to such property owners shall include the following language:

"When cross connection control devices are properly installed, they create a closed water system. A properly sized thermal expansion tank shall be installed in the cold water supply located as near the water heater as possible."

SECTION V: PENALTIES

Any person violating any provision of this Ordinance shall be deemed guilty of a violation and shall be fined not less than \$50 nor more than \$100.

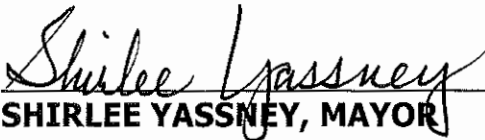
SECTION VI: SEVERABILITY. The provisions of this Ordinance are severable. If any sentence, clause or part of this Ordinance or the application thereof to any particular state of case is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance, it being the legislative intent of this body to ordain and in act each other.

SECTION VII: REPEAL OF EXISTING ORDINANCES. All ordinances or parts of ordinances in conflict herewith now in effect, to the extent of said conflict, are hereby repealed.

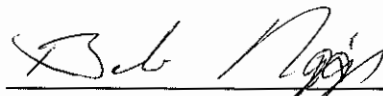
SECTION VIII: EFFECTIVE DATE. This ordinance shall become effective after passage and publication as required by law.

FIRST READING conducted on the 7th day of March, 2006.

SECOND READING and passage on the 21st day of March, 2006.


SHIRLEE YASSNEY, MAYOR

ATTEST:


BOB RIGGS, CITY CLERK

Ayes: Jones, Russell; McPherson, Lanny; Phillips, Chuck; Stratton, Mark; Whipple, Jack; Zick, Gene.

Nays: none

Absent: none

Abstaining: none