

ORDINANCE NO. 45-20

**AN ORDINANCE AMENDING SECTION 1040.04 OF THE CODIFIED ORDINANCES
OF THE CITY OF AVON RELATING TO BACKFLOW PREVENTION
AND DECLARING AN EMERGENCY**

WHEREAS, Section 6109.13 of the Ohio Revised Code requires protection of the public water system from contamination through any connection whereby water from a private, auxiliary or emergency water system may enter the public water system; and

WHEREAS, Section 3745-95 of the Ohio Administrative Code (OAC) requires protection of the public water system from contamination due to backflow of contaminants through the water service connection; and

WHEREAS, the Ohio Environmental Protection Agency (OEPA) requires the maintenance of a continuing program (OAC §3745-95-02(C) of backflow prevention and cross-connection control which will systematically and effectively prevent the contamination of all potable water systems; and

WHEREAS, it is necessary to amend Section 1040.04 of the Codified Ordinances of the City of Avon to introduce restrictions that go beyond usual plumbing code requirements; and

WHEREAS, Council finds that these amendments to Chapter 1040.04 of the Codified Ordinances are necessary to protect the public peace, health, safety and welfare of the citizens of the City of Avon in continuing to provide, maintain and preserve the high levels of potable water to the users in the community.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That Section 1040.04 which presently reads as follows:

1040.04 CONNECTIONS; FEES; METERS.

(d) Pit meters shall be allowed only when there is no building. The Director of Public Service may authorize a variation from this policy only if the residence or building to be serviced is in excess of 200 feet from the road right of way.

(e) A meter must be installed before an occupancy permit is issued on residential property. (Ord. 51-84. Passed 7-9-84.)

(f) If, in the judgment of the Director of Public Service, an approved backflow prevention device is necessary for the safety of the public water system, the Director will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his or her own expense, install such an approved device at a location and in a manner approved by the Director and shall have inspections and tests made of such approved devices as required by the Director.

(g) No person shall establish or maintain, or permit to be established or maintained, any connection whereby a private, auxiliary or emergency water supply, other than the regular public water supply of the City, may enter the supply or distributing system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply have been approved by the Director and by the Ohio Environmental Protection Agency.

(h) The Director shall cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Director deems necessary.

(i) The Director or his or her duly authorized representative may enter at any reasonable time any property served by a connection to the public water supply or distribution system of the City for the purpose of inspecting the piping system thereof. On demand of the owner, the lessee or occupant of any property so served shall furnish to the Director any information which he or she may request regarding the piping system or water use on such property. The refusal to furnish such information when demanded shall, within the discretion of the Director, be deemed evidence of the presence of improper connections as provided in this section.

(j) The Director is hereby authorized to promulgate all necessary rules and regulations as to the installation and maintenance of backflow prevention control devices. Such regulations shall at all times be on file in the office of the Utilities Department of the City and shall be available for inspection during regular business hours. All backflow prevention control devices required by this section shall be installed in accordance with such regulations.

(k) Upon a written notice from the Director, the consumer shall install, at his or her sole cost, a backflow prevention device of a type approved by the Director. If the consumer fails to install such device within thirty days after receipt of the written notice, the Director shall cause the installation of the device to be made, and the cost thereof shall be charged through the consumer's water bill. (Ord. 117-89. Passed 12-26-89; Ord. 58-17. Passed 7-3-17.)

Shall be amended as follows: (New language in Bold Print)

1040.04 CONNECTIONS; FEES; METERS.

(d) Pit meters shall be allowed only when there is no building. The ~~Director of Public Service~~ **Superintendent of Utilities** may authorize a variation from this policy only if the residence or building to be serviced is in excess of 200 feet from the road right of way.

(e) A meter must be installed before an occupancy permit is issued on residential property. (Ord. 51-84. Passed 7-9-84.)

(f) If, in the judgment of the ~~Director of Public Service~~, **Superintendent of Utilities** an approved backflow prevention device is necessary for the safety of the public water system, the ~~Director~~ **Superintendent** will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his or her own expense, install such an approved device at a location and in a manner approved by the ~~Director~~ **Superintendent** and

shall have inspections and tests made of such approved devices as required by the ~~Director~~ **Superintendent**.

(g) No person shall establish or maintain, or permit to be established or maintained, any connection whereby a private, auxiliary or emergency water supply, other than the regular public water supply of the City, may enter the supply or distributing system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply have been approved by the ~~Director~~ **Superintendent of Utilities** and by the Ohio Environmental Protection Agency.

(h) The ~~Director~~ **Superintendent of Utilities** shall cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the ~~Director~~ **Superintendent** deems necessary.

(i) The ~~Director~~ **Superintendent of Utilities** or his or her duly authorized representative may enter at any reasonable time any property served by a connection to the public water supply or distribution system of the City for the purpose of inspecting the piping system thereof. On demand, of the owner, the lessee or occupant of any property so served shall furnish to the ~~Director~~ **Superintendent** any information which he or she may request regarding the piping system or water use on such property. The refusal to furnish such information when demanded shall, within the discretion of the ~~Director~~ **Superintendent**, be deemed evidence of the presence of improper connections as provided in this section.

(j) The ~~Director~~ **Superintendent of Utilities** is hereby authorized to promulgate all necessary rules and regulations as to the installation and maintenance of backflow prevention control devices. Such regulations shall at all times be on file in the office of the Utilities Department of the City and shall be available for inspection during regular business hours. All backflow prevention control devices required by this section shall be installed in accordance with such regulations.

~~(k) Upon a written notice from the Director, the consumer shall install, at his or her sole cost, a backflow prevention device of a type approved by the Director. If the consumer fails to install such device within thirty days after receipt of the written notice, the Director shall cause the installation of the device to be made, and the cost thereof shall be charged through the consumer's water bill.~~

(k) The Superintendent of Utilities is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this ordinance is known to exist, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such condition(s) shall have been eliminated or corrected in compliance with the provisions of this ordinance.

(Ord. 117-89. Passed 12-26-89; Ord. 58-17. Passed 7-3-17.)

Section 2 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to allow for disruptions in service where proper backflow devices are not being utilized; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director