

ORDINANCE NO: 02-2018

AN ORDINANCE TO PROTECT THE ADVANCE
PUBLIC WATER SYSTEM FROM CONTAMINATION DUE TO
BACKFLOW OF CONTAMINANTS THROUGH A
WATER SERVICE CONNECTION INTO
THE PUBLIC WATER SYSTEM

WHEREAS, 675 Indiana Administrative Code, Article 16, Rule 1.2 of the Indiana Plumbing Code, as adopted by the Indiana Fire Prevention and Building Safety Commission, requires protection of the public water supply from contaminants due to backflow through connections to fire protection and standpipe systems; and,

WHEREAS, the Indiana Department of Environmental Management (IDEM), Drinking Water Branch, has jurisdiction to regulate the public water supply, including to enter onto private lands to investigate and enforce the water laws and regulations of the State of Indiana; and,

WHEREAS, IDEM authorizes and encourages the adoption of a continuing program of cross-connection control by municipal water utilities which will systematically and effectively prevent the contamination of all potable water systems; and

WHEREAS, the Town of Advance owns and operates such a water system; and

WHEREAS, the Town Council of the Town of Advance, Indiana, as the legislative and executive body of the Town and also as the Utility Service Board for the Advance Water Utility, believes that it would serve the health, safety, and welfare of the citizens of Advance and its municipal water customers to enact such a program, by ordinance,

THEREFORE BE IT HEREBY ESTABLISHED AND ORDAINED by the Town Council of the Town of Advance, Indiana, that

SECTION 1. A "cross-connection" is hereby defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable

water from the water system, and the other contains water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems. The Utility (defined below) is specifically a separate potable water system.

“Utility” means the municipal drinking water system owned by the Town of Advance, Indiana, a municipality and political subdivision of the State of Indiana, and operated by its public Advance Water Utility.

SECTION 2. (A) No person shall establish or permit to be established or maintain or permit to be maintained any cross-connection.

(B) No connection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of the Utility may enter the supply or distribution system of the Utility, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Utility and by the Indiana Department of Environmental Management in accordance with 327 IAC 8-10.

SECTION 3. The Utility is hereby authorized to make inspections of any premises served by the Utility where a cross-connection with the Utility is suspected or possible. The frequency of inspections and re-inspections shall be established by the Utility in its discretion, based on the potential health hazards involved.

SECTION 4. Pursuant to state law, including I.C. 36-1-6-2, and this ordinance, upon presentation of credentials, authorized agents the Utility shall have the right to enter at any reasonable time real property served by the Utility to inspect for cross-connections. On request by the Utility, the owner, lessee, or occupant of any such premises shall furnish to the Utility any pertinent information about and access to the pipes, valves, drains, inlets, outlets and piping systems on the premises. The refusal of access or the refusal of requested pertinent information shall be deemed evidence of the presence of cross-connections on the premises.

SECTION 5. (A) The Utility is hereby authorized and directed to discontinue water service to any premises wherein any connection in violation of this ordinance exists, and to take such other precautionary measures as the Utility deems necessary to eliminate any danger of contamination of the public water system.

(B) Water service shall be discontinued only after notice is served on the owner, lessee, or occupants of the premises where a violation is found or suspected to exist, and a reasonable opportunity to correct the violation has been given. The reasonableness of the opportunity to correct the violation is fact-sensitive and will depend on the extent of the violation and the threat posed to the public water supply. Water service to such property shall not be restored until the cross-connection has been eliminated and the property is in compliance with this ordinance.

SECTION 6. If the Utility, in its sole discretion, determines that a cross-connection or emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the Town Clerk-Treasurer and delivered to the

consumer's premises, then water service to the premises may be immediately discontinued by the Utility. Any person adversely affected by that discontinuance may request shall have an opportunity to request for hearing within 10 days of such emergency discontinuance.

SECTION 7. All consumers using toxic or hazardous liquids and/or all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users shall install and maintain a reduced pressure principal backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.

SECTION 8. Reduced pressure principal backflow preventers shall not be installed below ground level.

SECTION 9. This ordinance does not supersede the Indiana Plumbing Code, IDEM Rule 327 IAC 8-10, or any other applicable building code, but is intended to be supplementary to them.

SECTION 10. In addition to IDEM Rule 327 IAC 8-10-4(c), from time to time certain specialized customer facilities will be required to install a backflow prevention device, as determined by the Utility and Council by amendment to this ordinance.

SECTION 11. If, in the judgment of the Utility, an approved backflow prevention device is necessary for the safety of the public water system, the Utility shall give notice to the water consumer to install such an approved device immediately. The water consumer shall, at the customer's own expense, promptly install such an approved device at a location and in a manner approved by the Utility and shall have inspections and tests made of that device.

SECTION 12. In addition to any other sanction provided by this ordinance, a person who violates this ordinance shall on the first offense be fined One Hundred Dollars (\$100). A person who violates this ordinance a second time shall be fined the sum Two Hundred Fifty Dollars (\$250). A person who violates this ordinance a third time, or more, shall be fined a sum not to exceed Two Thousand Five Hundred Dollars (\$2,500). The foregoing shall together with reasonable attorney's fees incurred by the Town in enforcing this ordinance.

Section 2. (A) All other provisions of the Town Code not in conflict with this ordinance shall remain in full force and effect, and all provisions of the Town Code replaced or superseded by this Ordinance shall be and hereby are repealed.

(B) The subsequent invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

(C) This ordinance shall be in full force and effect upon adoption and 30 days after any necessary publication.

(D) All ordinances or parts of ordinances in conflict herewith are hereby repealed concurrent with the applicable effective date set forth in this ordinance.

Adopted by the Town Council of the Town of Advance, Indiana, this 22 day of May, 2018.

(Absent)
Matt Johnson, President

James Caldwell
James Caldwell, Council Member

Melody Fry
Melody Fry, Council Member

Dale Thompson
Dale Thompson, Council Member

ATTEST:

Shari Johnson
Shari Johnson, Clerk-Treasurer