

ORDINANCE NO. 1125

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS TO CREATE A NEW CHAPTER 4.17 OF THE MUNICIPAL CODE ENTITLED BACKFLOW AND CROSS-CONNECTIONS; PROVIDING PENALTIES FOR VIOLATIONS HEREOF; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: A new Title 4, Chapter 4.17 is hereby created and shall be entitled Backflow and Cross-Connections and shall read as follows:

SECTION 2:

Sections:

4.17.005	Purpose
4.17.010	Responsibility - Backflow Prevention
4.17.015	Responsibility - Cross-Connection Control Program
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4.17.040	Violation - Penalty

4.17.005 Purpose. The purpose of this ordinance is:

- (A) To protect the public potable water supply of the City of North Las Vegas 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 contaminants or pollutants which could backflow into the public water systems; and,
- (B) To promote the elimination or control of existing cross-connections, actual or potential, between the consumer's in-plant potable water system(s) and non-potable water system(s), plumbing fixtures and industrial piping systems; and,
- (C) To provide for the establishment and maintenance of a continuing Program of Cross-Connection Control which will systematically and effectively prevent the contamination or pollution of all potable water systems under the jurisdiction of the City of North Las Vegas.

4.17.010 Responsibility - Backflow Prevention. The Superintendent of Utilities 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. If, in the judgement of said Superintendent of Utilities an approved backflow prevention assembly(s) is required at the consumer's water service connection for the safety of the public water system, the Superintendent of Utilities or his designated agent shall give notice in writing to said consumer to install such an approved backflow prevention assembly(s) at a specific location(s) on his premises. The consumer shall immediately install such an approved backflow prevention assembly(s) at the consumer's own expense; and, failure, refusal or inability on the part of the consumer to install, have tested and maintained said assembly(s), shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

4.17.015 Responsibility - Cross-Connection Control Program. The Superintendent of Utilities is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this ordinance.

4.17.020 Definitions. Except where the context otherwise requires, the definitions that are provided in this Section govern the construction of this Chapter; provided, however, if any of such definitions conflict with the definition of the corresponding word or term in any Federal or State law or regulation, the definition that is contained in such law or regulation shall prevail.

(A) "Approved"

- (1) The term "approved" as herein used in reference to a water supply shall mean a water supply that has been approved by the health agency having jurisdiction.
- (2) The term "approved" as herein used in reference to an air-gap, a double check valve assembly, a reduced pressure principle backflow prevention assembly or other backflow prevention assemblies or methods shall mean an approval by the City of North Las Vegas.

(B) "Auxiliary Water Supply" Any water supply on or available to the premises other than the City of North Las Vegas' approved public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, lake, etc., or used waters or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the City of North Las Vegas does not have sanitary control.

(C) "Backflow" The term "backflow" shall mean the undesirable reversal of the flow of water or the mixture of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources. See also terms Backpressure (D) and Backsiphonage (E).

(D) "Backpressure" The term "backpressure" shall mean any elevation of pressure in the

downstream piping system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

- (E) "Backsiphonage" The term "backsiphonage" shall mean a form of backflow due to a reduction in the system pressure which causes a subatmospheric pressure to exist at a site in the water system.
- (F) "Backflow Preventer" An assembly or means designed to prevent backflow.
 - (1) "Air Gap" The term "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 double the diameter of the supply pipe measured vertically above the overflow rim of the vessel, but in no case, less than 1 inch (2.54 cm).
 - (2) "Reduced Pressure Principle Backflow Prevention Assembly" The term "reduced pressure principle backflow prevention assembly" 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 at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a non-health (i.e., pollutant) or a health hazard (i.e., contaminant). This assembly shall not be used for backflow protection of sewage or reclaimed water.
 - (3) "Double Check Valve Backflow Prevention Assembly" The term "double check valve backflow prevention assembly" shall mean an assembly composed of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. This assembly shall only be used to protect against a non-health hazard (i.e., pollutant).
- (G) "Contamination" The term "contamination" shall mean an impairment of the quality of the water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, etc.
- (H) "Cross-Connection" The term "cross-connection" shall mean any unprotected 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 or may occur are considered to be cross-connections.

- (1) The term "direct cross-connection" shall mean a cross-connection which is subject to both backsiphonage and backpressure.
 - (2) The term "indirect cross-connection" shall mean a cross-connection which is subject to backsiphonage only.
- (I) "Cross-Connections - Controlled" A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.
- (J) "Cross-Connection Control by Contaminant" The term "service protection" shall mean the appropriate type or method of backflow protection at the service connection, commensurate with the degree of hazard of the consumer's potable water system.
- (K) "Hazard, Degree of" The term "degree of hazard" shall mean either a pollutional (non-health) or contamination (health) hazard and is derived from the evaluation of conditions within a system.
- (1) "Hazard - Health" The term "health hazard" shall mean an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.
 - (2) "Hazard - Plumbing" The term "plumbing hazard" shall mean an internal or plumbing type cross-connection in a consumer's potable water system that may be either a pollutional or a contamination type hazard. This includes but is not limited to cross-connections to toilets, sinks, wash trays and lawn sprinkling systems. Plumbing type cross-connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments. Such a connection, if permitted to exist, must be properly protected by an appropriate type of backflow prevention assembly.
 - (3) "Hazard - Pollutional" The term "pollutional hazard" shall mean an actual or potential threat to the physical properties of the water system or the potability of the public or consumer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.
 - (4) "Hazard - System" The term "system hazard" shall mean an actual or potential threat

of severe danger to the physical properties of the public or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

- (L) "Industrial Fluids" The term "industrial fluids" shall mean any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated used waters; all types of process waters and "used waters" originating from the public potable water system which may deteriorate in sanitary quality; chemicals in fluid form; plating acids and alkalis; circulated cooling waters connected to an open cooling tower and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, lakes, irrigation canals or systems, etc.; oils, gases, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used industrially, for other processes, or for fire fighting purposes.
- (M) "Pollution" The term "pollution" shall mean an impairment of the quality of the water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.
- (N) "Water - Potable" The term "potable water" shall mean any public potable water supply which has been investigated and approved by the health agency having jurisdiction. The system must be operating under a valid health permit. In determining what constitutes an approved water supply, the health agency has final judgement as to its safety and potability.
- (O) "Water - Non-Potable" The term "non-potable water" shall mean a water supply which has not been approved for human consumption by the health agency having jurisdiction.
- (P) "Water - Service Connection" The term "service connection" shall mean the terminal end of a service connection from the public potable water system, (i.e., where the City may lose jurisdiction and sanitary control of the water at its point of delivery to the consumer's water system). If a water meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the water meter.
- (Q) "Water - Used" The term "used water" shall mean any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water purveyor.

4.17.025 Water System - Defined.

- (A) The waster system shall be considered as made up of two parts: The City's System and the Consumer's System.

- (B) The City's system shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under the complete control of the City, up to the point where the consumer's system begins.
- (C) The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.
- (D) The distribution system shall include the network of conduits used for the delivery of water from the source to the consumer's system.
- (E) The consumer's system shall include those parts of the facilities beyond the termination of the City's distribution system which are utilized in conveying potable water to points of use.

4.17.030 Policy.

- (A) No water service connection to any premise shall be installed or maintained by the City unless the water supply is protected as required by City of North Las Vegas laws and regulations and this ordinance. Service of water to any premise shall be discontinued by the City if a backflow prevention assembly required by this ordinance 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.
- (B) The consumer's system should be open for inspection at all reasonable times to authorized representatives of the City or the health agency having jurisdiction to determine whether unprotected cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Superintendent of Utilities shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the consumer has corrected the condition(s) in conformance with the City's statutes relating to plumbing and water supplies and the regulations adopted hereto.
- (C) An approved backflow prevention assembly shall also be installed on each service line to a consumer's water system at or near the property line, but in all cases, before the first branch line leading off the service line wherever the following conditions exist:
 - (1) In the case of premises having auxiliary water supply which is or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the Superintendent of Utilities or the health agency having jurisdiction, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard.
 - (2) In the case of premises on which any industrial fluids or any other objectionable

substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard. This shall include the handling of process waters and waters originating from the City's system which have been subject to deterioration in quality.

- (3) In the case of premises having (1) internal cross-connections that cannot be permanently corrected or protected against, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises are not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line.
- (D) The type of protective assembly required under subsections 4.17.030.C.1, 2 and 3 shall depend upon the degree of hazard which exists as follows:
- (1) In the case of any premise where there is an auxiliary water supply as stated in subsection 4.17.030.C.1 of this section and it is not subject to any of the following rules, the public water system shall be protected by any approved air gap or an approved reduced pressure principle backflow prevention assembly.
 - (2) In the case of any premise where there is water or a substance that would be objectionable but not hazardous to health, if introduced into the public system, the public water system shall be protected by an approved double check valve backflow prevention assembly.
 - (3) In the case of any premise where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air gap or and approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.
 - (4) In the case of any premise where there are unprotected cross-connections, either actual or potential, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly at the service connection.
 - (5) In the case of any premise where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against

backflow from the premises by either an approved air gap or an approved reduced pressure principle backflow preventer on each service to the premise.

- (E) Any backflow prevention assembly required herein shall be a make, model and size approved by the Superintendent of Utilities. The term "Approved Backflow Prevention Assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association entitled:

AWWA/ANSI C510-92* Standard for Double Check Valve Backflow Prevention Assemblies;

AWWA/ANSI C511-92* Standard for Reduced Pressure Principle Backflow Prevention Assemblies;

and, have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California (USC FCCCHR) established in:

Specifications of Backflow Prevention Assemblies - Section 10 of the most current edition of the "Manual of Cross-Connection Control".

Said AWWA and USC FCCCHR standards and specifications are hereby adopted by the City of North Las Vegas. Final approval shall be evidenced by a "Certificate of Compliance" for the said AWWA standards; or "Certificate of Approval" for the said USC FCCCHR Specifications; issued by an approved testing laboratory.

The following testing laboratory has been qualified by the Superintendent of Utilities to test and approve backflow prevention assemblies:

Foundation for Cross-Connection Control and Hydraulic Research
University of Southern California
KAP-200 University Park MC-2531
Los Angeles, California 90089-2531

Testing laboratories other than the one listed above will be added to the approved list as they are qualified by the Superintendent of Utilities.

Backflow preventers which may be subjected to backpressure or backsiphonage that have

*Prior to 1989 the AWWA/ANSI C506 Standard covered both the double check valve assembly and the reduced pressure principle backflow prevention assembly.

been fully tested and have been granted a Certificate of Approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow prevention assemblies may

be used without further test or qualification.

- (F) It shall be the duty of the customer at any premise where backflow prevention assemblies are installed to have a field test performed by a properly certified backflow prevention assembly tester upon installation and at least once per year thereafter. In those instances where the Superintendent of Utilities deems the hazard to be great enough he may require field tests at more frequent intervals. These tests shall be at the expense of the customer and, at the City's option, shall be performed by City personnel or by a certified tester approved by the Superintendent of Utilities. It shall be the duty of the Superintendent of Utilities to see that these tests are made in a timely manner. The customer shall notify the Superintendent of Utilities in advance when the tests are to be undertaken so that an official representative may witness the field tests if so desired. These assemblies shall be repaired, overhauled or replaced at the expense of the customer whenever said assemblies are found to be defective. Records of such tests, repairs and overhauls shall be kept and made available to the Superintendent of Utilities.
- (G) All presently installed backflow prevention 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, except for the testing and maintenance requirements under subsection 4.17.030.F, be excluded from the requirements of these rules so long as the Superintendent of Utilities is assured that they will satisfactorily protect the City's water system. Whenever the existing device is moved from its present location or requires more than minimum maintenance or when the Superintendent of Utilities finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section.
- (H) The Director of Public Works is authorized to make all necessary and reasonable changes or additions to the City of North Las Vegas Municipal Water District Service Rules and Regulations with respect to the enforcement of this ordinance. All such rules and policies shall be consistent with the provisions of this ordinance and shall be effective immediately upon modification of said Service Rules and Regulations.

4.17.035 Backflow Prevention Service Charge.

The following schedule of Backflow Prevention Service Charges is hereby established in order to provide for the recovery by the City of its costs that are related to inspections of backflow preventer assembly installations, initial tests of assemblies for acceptance, cross-connection surveys and the enforcement of the provisions of this Chapter:

- (A) **BACKFLOW PREVENTION SERVICE CHARGE**

<u>Assembly Size</u>	<u>Daily Service Charge</u>
5/8" or 3/4"	\$.0426
1"	.0719
1 1/4" or 1 1/2"	.1419
2"	.2271
2 1/2" or 3"	.4260
4"	.7101
6"	1.4199
8"	2.2719
10"	3.2661

Service charges for assemblies of a size not specified in the above schedule will be determined by the Superintendent of Utilities based on an estimated value or quantity in accordance with recognized practices.

- (B) Backflow Prevention Service Charges shall be billed together with and in addition to the monthly Water Service Charge for the service connection to which it is an appurtenance and will be subject to all provisions of the Water Service Charge billing procedure.

4.17.040 Violation - Penalty.

- (A) Any person who negligently, recklessly or willfully violates any of the provisions of this Chapter is guilty of a misdemeanor.
- (B) Any person who negligently, recklessly or willfully introduces or causes to be introduced into the City's water system any pollutant or hazardous substance which such person knew, or with the exercise of reasonable diligence would have known, could cause personal injury or system damage is guilty of a misdemeanor.
- (C) Any person who negligently, recklessly or willfully creates or allows a cross-connection to exist which could introduce into the City's water system any pollutant or hazardous substance which such person knew, or with the exercise of reasonable diligence would have known, could cause personal injury or system damage is guilty of a misdemeanor.
- (D) Any person who knowingly makes a false statement, representation or certification of any material facts pertaining to backflow prevention or cross-connection control facilities or practices, knowingly falsifies any test record or other document that is required to be maintained pursuant to this Chapter or removes, bypasses or otherwise renders ineffective any backflow prevention assembly is guilty of a misdemeanor.
- (E) Whenever in this Chapter any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared too be unlawful or an offense or a misdemeanor,

the doing of any such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Each day any violation of this Chapter occurs shall constitute a separate offense.

SECTION 3: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by its legal department as to the constitutionality of this ordinance, and based upon such information, we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges or immunities secured by the Constitution or by-laws providing for equal rights of citizens or persons.

SECTION 4: SEVERABILITY. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no way affect the validity and enforceability of the remaining provisions of this ordinance.

SECTION 5: REPEALER. All ordinances, parts of ordinances or chapters, sections, subsections or paragraphs contained in the North Las Vegas Municipal Code in conflict herewith are hereby repealed.

SECTION 6: EFFECTIVE DATE. This ordinance shall become effective after its passage by the City Council of the City of North Las Vegas, and after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of the Nevada Revised Statutes, as amended from time to time.

SECTION 7: PUBLICATION. The City Clerk shall cause this ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of the Nevada Revised Statutes, as amended from time to time.

PASSED, ADOPTED AND APPROVED THIS _____ DAY OF _____, 1994.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED:

JAMES K. SEASTRAND, MAYOR

ATTEST:

EILEEN M. SEVIGNY, CITY CLERK