

CITY OF FRANKLIN, OHIO
ORDINANCE 2021-09

**REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 911.11 TITLED "BACKFLOW PREVENTION DEVICE" OF
THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO**

WHEREAS, the City of Franklin must comply with the directives of the Ohio Environmental Protection Agency (OEPA); and

WHEREAS, as a result, the City's regulations regarding Backflow Prevention must be updated to remain in compliance with the Drinking Water Standards of the OEPA; and

WHEREAS OEPA has issued directives regarding more comprehensive and enforceable Backflow Prevention Device local legislation to improve protection to the public potable water supply from contaminants or pollutants which could compromise the public potable water system absent proper backflow protection.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Franklin, Ohio, a majority of the members elected thereto concurring, that:

Section 1. Existing Chapter 911.11, of the Codified Ordinances of the City of Franklin, Ohio, attached hereto as Exhibit A, is repealed in its entirety.

Section 2. The attached Exhibit B, Chapter 911.11, titled "Backflow Prevention Device," replaces the repealed Chapter 911.11 and is enacted into law. Said Chapter shall be added to the Codified Ordinances of the City of Franklin under Part Nine – Streets, Utilities and Public Service Code, Title Three – Utilities, Chapter 911 – Water Services.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 4. This Ordinance shall become effective on July 21, 2021.

INTRODUCED: June 7, 2021

ADOPTED: June 21, 2021

ATTEST: Khristi Dunn
Khristi Dunn, Clerk of Council

APPROVED: Brent Centers

Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council do hereby certify that the foregoing is a true and correct copy of Ordinance 2021-09 passed by that body on June 21, 2021.

Approved as to form:
Lynnette Dinkler, Law Director

Paul Yoder

Khristi Dunn
Khristi Dunn, Clerk of Council

Exhibit A

911.11 Backflow Prevention Device

1. Authority of the Service Director: If, in the judgment of the Public Works Director, 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. The water consumer, at his or her expense, shall 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.
2. Inspection Fees: All backflow devices that require testing by the Ohio EPA shall provide proof of an annual inspection by a certified plumber and shall pay a twenty-five dollar (\$25) administrative fee for each backflow device that requires testing.

(Ord. 1994-29. Passed 6-20-94; Ord. 2010-10. Passed 4-19-10; Ord. 2017-26. Passed 11-20-17.)

Exhibit B

911.11 BACKFLOW PREVENTION DEVICE

- (a) INSTALL PREVENTION DEVICE: If, in the judgment of the supplier of water an approved backflow prevention device is necessary for the safety of the public water system, the supplier of water will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at their own expense, install such an approved device at a location and in a manner approved by the supplier of water and shall have inspections and tests made of such approved devices as required by the supplier of water. All backflow devices that require testing by the Ohio EPA shall provide proof of an annual inspection by a certified plumber and shall pay a twenty-five dollar (\$25) administrative fee for each backflow device that requires testing.
- (b) UNAUTHORIZED CONNECTIONS: No persons, firm or corporation, shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the City of Franklin may enter the supply or distributing system of the municipality, unless such private, auxiliary or emergency water supply and method of connection and use of such supply shall have been approved by the supplier of water of the City of Franklin and by the Ohio Environmental Protection Agency.
- (c) SURVEYS AND INVESTIGATIONS: It shall be the duty of the supplier of water to 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 supplier of water shall deem necessary.
- (d) INSPECTIONS: The supplier of water of the City of Franklin or his or its duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distributing system of the City for the purpose of inspecting the piping system or systems thereof. On demand, the owner, lessees, or occupants of any property so served shall furnish to the supplier of water any information which he may request regarding the piping system or systems, or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the supplier of water, be deemed evidence of the presence of improper connections as provided in this chapter.
- (e) DISCONNECTIONS: The supplier of water in the City of Franklin 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 chapter is known to exist, and to take such other precautionary measures as he may deem 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 conditions shall have been eliminated or corrected in compliance with the provisions of this chapter.
- (f) RULES AND REGULATIONS FOR CROSS CONNECTION CONTROL:
 - (1) Cross Connection Control: General Policy.

(A) Purpose: The purpose of these rules and regulations is:

- (i) To protect the public potable water supply from contamination or pollution by isolating within the consumer's water system contaminants or pollutants which could backflow through the service connection into the public potable water system.
- (ii) To promote the elimination or control of existing cross-connection, actual or potential, between the public or consumer's potable water system and non-potable water systems. Plumbing fixtures and sources or systems containing process fluids.
- (iii) To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the public and consumer's potable water systems.

(B) Application: These rules and regulations shall apply to all premises served by the public potable water system of the City of Franklin.

(C) Policy: The supplier of water shall be responsible for protection of the public potable water system from contamination due to backflow of contaminants through the water service connection. If, in the judgment of the supplier of water or his authorized representative a backflow prevention device is needed they shall give notice to the consumer to install such approved backflow prevention device at each service connection to his premises. The consumer shall immediately install such approved device or services at his own expense, and failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such devices have been installed.

(2) Definitions. The following definitions shall apply in the interpretation and enforcement of these rules and regulations:

- (A) "Administrator" means the City of Franklin City Manager or his duly authorized representative.
- (B) "Air gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supply water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.
- (C) "Approved" means that a backflow prevention device or method has been accepted by the water purveyor and the Administrator as suitable for the proposed use.
- (D) "Auxiliary water system" means any water system on or available to the premises other than the public water system and includes the water supplied by the system.

These auxiliary waters may include water from another purveyor's public water system; or water from a source such as wells, lakes, or streams or process fluids or used water. They may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

- (E) "Backflow" means the flow of water or other liquids. Mixtures, or substances into the distributing pipes of a potable water supply from any source other than the intended source of the potable water supply.
- (F) "Backflow prevention device" means any device method, or type of construction intended to prevent backflow into a potable water system.
- (G) "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system.
- (H) "Consumer's water system" means any water system, located on the consumer's premises, supplied by or in any manner connected to a public water system. A household plumbing system is considered to be a consumer's water system.
- (I) "Contamination" means an impairment of the quality of the water by sewage of process fluids or waste to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.
- (J) "Cross-connection" means any arrangement whereby backflow can occur.
- (K) "Degree or hazard" is a term derived from an evaluation of the potential risk to health and the adverse effect upon the potable water system.
- (L) "Director" means the Director of the Ohio Environmental Protection Agency.
- (M) "Double check valve assembly" means an assembly composed of two single, independently acting, check valves including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.
- (N) "Health hazard" means any condition, device, or practice in a water system or its operation that creates, or may create, a danger to the health and well being of users. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could reasonably be expected to result in significant morbidity or death.
- (O) "Interchangeable connection" means an arrangement or device that will allow alternate but not simultaneous use of two sources of water.
- (P) "Non-potable water" means water not safe for drinking, personal, or culinary use.

- (Q) "Person" means the state, any political subdivision, public or private corporation, individual, partnership, or other legal entity.
- (R) "Pollution" means the presence in water of any foreign substance that tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such waters for domestic use.
- (S) "Potable water" means which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Ohio EPA.
- (T) "Process fluids" means any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollution, or system hazard if introduced into the public or a potable consumer's water system. This includes, but is not limited to:
 - (i) Polluted or contaminated waters;
 - (ii) Process waters;
 - (iii) Used waters originating from the public water system which may have deteriorated in sanitary quality;
 - (iv) Cooling waters;
 - (v) Contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
 - (vi) Chemicals in solution or suspension;
 - (vii) Oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.
- (U) "Public water system" means any publicly or privately owned potable water system subject to Ohio R.C. 6109.13.
- (V) "Reduced pressure principle backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

- (W) "Service connection" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.
- (X) "Supplier of water" means the owner or operator of a public water system.
- (Y) "System hazard" means a condition posing an actual or potential threat of damage to the physical properties of the public water system or a potable consumer's water system.
- (Z) "Pollution hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water system or a potable consumer's water system.
- (AA) "Used water" means any water supplied by a water purveyor from a public 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.
- (BB) "Water purveyor" means the owner or operator of a public water system.

(3) Water System.

- (A) The water system shall be considered as made up of two parts: the public potable water system and the consumer's water system.
- (B) The public potable water system shall consist of the source facilities and the distribution system and shall include all those facilities of the potable water system under the control of the supplier of water up to the point where the consumer's water system begins.
- (C) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public distribution system.
- (D) The public distribution system shall include the network of conduits used for delivery of water from the source to the consumer's water system.
- (E) The consumer's water system shall include those parts of the facilities beyond the service connection which are utilized in conveying water from the public distribution system to points of use.

(4) Cross Connection Prohibited.

- (A) No water service connection shall be installed or maintained to any premises where actual or potential cross- connection to the public potable or consumer's water system may exist unless such actual or potential cross- connections are abated or controlled to the satisfaction of the supplier of water.

(B) No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary supply and the method of connection and use of such supply shall have been approved by the supplier of water and by the Director of the Environmental Protection Agency as required by Ohio R.C. 6111.15.

(5) Survey and Investigations.

(A) The consumer's premises shall be open at all reasonable times to the supplier of water, or his authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections to the consumer's water system through which contaminates, or pollutants could backflow into the public potable water system.

(B) On request by the supplier of water, the consumer shall furnish information on water use practices within his premises.

(C) It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to their water system through which contaminants or pollutants could backflow into his or the public potable water system.

(6) Where Protection is Required.

(A) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in judgment of the supplier of water or the director, actual or potential hazards to the public potable water system exist.

(B) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

(i) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the supplier of water and the source is approved by the Ohio Environmental Protection Agency.

(ii) Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to the public potable water system. This shall include premises having sources or systems containing process fluids or waters originating from the public potable water system which are no longer under the sanitary control of the supplier of water.

(iii) Premises having internal cross-connections that, in the judgment of the supplier of water are not correctible or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.

- (iv) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
- (v) Premises having a repeated history of cross-connections being established or re-established.
- (vi) Others specified by the supplier of water or the director.

(C) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the supplier of water or the director determines that no actual or potential hazard to the public potable water system exists.

- (i) Hospitals, mortuaries, clinics, nursing homes.
- (ii) Laboratories
- (iii) Piers, docks, waterfront facilities.
- (iv) Sewage treatment plant, sewage pumping station or storm water pumping station.
- (v) Food or beverage processing plants.
- (vi) Chemical plants.
- (vii) Metal plating industries
- (viii) Petroleum processing or storage plants.
- (ix) Radioactive materials processing plants or nuclear reactors.
- (x) Car wash.
- (xi) Others specified by the supplier of water or the director.

(D) An approved backflow prevention device shall be installed at any point of connection between the public potable or consumer's water system and an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the supplier of water and the source is approved by the Ohio Environmental Protection Agency.

(7) Type of Protection Required.

(A) The type of protection required under subsection (6)(A), (B) and (C) of these regulations shall depend on the degree of hazard which exists as follows:

- (i) An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
- (ii) An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
- (iii) An approved air gap separation or an approved reduced pressure principle backflow prevention device or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollution hazard not dangerous to health.

(B) The type of protection required under subsection (6)(D) of these regulations shall be an approved air gap separation or an approved interchangeable connection.

(C) Where an auxiliary water supply is used as a secondary source of water for a fire protection system, the provisions of subsection (7)(B) for an approved air gap separation or an approved interchangeable connection may not be required providing:

- (i) At premises where the auxiliary water supply may be contaminated with substances that could cause a system or health hazard, the public or consumer's potable water system shall be protected against backflow by installation of an approved reduced pressure principle backflow prevention device.
- (ii) At all other premises, the public or consumer's potable water system shall be protected against backflow by installation of either an approved reduced pressure principle backflow prevention device or an approved double check valve assembly.
- (iii) The public or consumer's potable water system shall be the primary source of water for the fire protection system.
- (iv) The fire protection system shall be normally filled with water from the public or consumer's potable water system.
- (v) The water in the fire protection system shall be used for fire protection only with no regular use of water from the fire protection system downstream from approved backflow prevention device.
- (vi) The water in the fire protection system shall contain no additives.

(8) Backflow Prevention Devices.

(A) Any backflow prevention device required by these rules and regulations shall be of a model or construction approved by the supplier of water and director and shall comply with the following:

- (i) An air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.
- (ii) A double check valve assembly or a reduced pressure principle backflow prevention device shall be approved by the supplier of water and shall appear on the current "list of approved backflow prevention devices" of the Ohio Environmental Protection Agency.
- (iii) An interchangeable connection to be approved shall be either a swing type connector or a four-way valve of the lubricated plug type that operates through a mechanism which unseats the plug, turns it ninety degrees and reseats the plug. Four-way valves shall not be used as stop valves but must have separate stop valves on each pipe connected to the valve. The tell-tale port on the four-way valve shall have no piping connected and the threads or flange on this port shall be destroyed so that a connection cannot be made.

(B) Existing backflow prevention devices approved by the supplier of water or the Ohio Environmental Protection Agency at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded for the requirement of subsection (8)(A) of this regulation providing the supplier of water is assured that they will satisfactorily protect the public water system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the supplier of water finds that the maintenance of the device constitutes a hazard to health, the device shall be replaced by a backflow prevention device meeting the requirements of these regulations.

(9) Installation.

(A) Backflow prevention devices required by these rules and regulations shall be installed at a location and in a manner approved by the supplier of water and shall be installed by and at the expense of the water consumer. In addition, any backflow prevention device required by subsection (6) hereof of these regulations shall be installed at a location and in a manner approved by the Ohio Environmental Protection Agency as required by Ohio R.C. 6111.15.

- (B) Backflow prevention devices installed on the service line to a consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.
- (C) Pits or vaults shall be of water-tight construction, be so located and constructed as to prevent flooding and shall be maintained free from standing water by means of either a sump pump or a suitable drain. Such sump pump or drain shall not connect to a sanitary sewer nor permit flooding of the pit or vault by reverse flow from its point of discharge. An access ladder and adequate natural or artificial lighting shall be provided to permit inspection and testing of the backflow prevention device.

(10) Inspection and Maintenance.

- (A) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspections, tests and overhauls made in accordance with the following schedule or more often where inspections indicate a need.
 - (i) Air separation shall be inspected at time of installation and at least every twelve months thereafter.
 - (ii) Double check valve assemblies shall be inspected and tested for tightness at time of installation and at least every twelve months thereafter, they shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every thirty months.
 - (iii) Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every five years.
 - (iv) Interchangeable connections shall be inspected at time of installation and at least every twelve months thereafter.
- (B) Inspections, tests, and overhaul of backflow prevention devices shall be made at the expense of the water consumer and shall be performed by the supplier of water or a person approved by the supplier of water as qualified to inspect, test and overhaul backflow prevention devices.
- (C) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired, or replaced at the expense of the consumer without delay.
- (D) The water consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. Records of inspections, tests, repairs, and overhaul shall be submitted to the supplier of water.

(E) Backflow prevention device shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the supplier of water.

(11) Booster Pumps.

(A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low-pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to ten pounds per square inch gage or less.

(B) It shall be the duty of the water consumer to maintain the low-pressure cut-off device in proper working order and to certify to the supplier of water at least once a year, that the device is operable.

(12) Violations.

(A) The supplier of water shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises where any backflow prevention device required by these regulations is not installed, tested and maintained in a manner acceptable to the supplier of water or if it is found that the backflow prevention device has been removed or by-passed, or if unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

(B) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the supplier of water.

(Ord. 1994-29. Passed 6-20-94; Ord. 2010-10. Passed 4-19-10; Ord. 2017-26. Passed 11-20-17; Ord. 2021-09. Passed 6-21-21.)