

RESOLUTION NO. 10804

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT IDENTIFIED AS TITLE 8, CHAPTER 1, SECTIONS 1 THROUGH 14 OF THE MESA CITY CODE AND ENTITLED BACK FLOW PROTECTION.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, AS FOLLOWS:

That certain document identified as Title 8, Chapter 1, Sections 1 through 14 and entitled Back Flow Protection, a true and correct copy of which is attached hereto and incorporated herein by reference, is declared to be a public record pursuant to A.R.S. §9-801, et seq., three copies of which shall remain on file in the Office of the City Clerk and kept available for public use and inspection. Deletions are shown as strike-outs: "~~Abe~~". Additions to the text are shown in bold and underlined: "**Abc**".

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 16th day of May, 2016.



APPROVED:



Mayor

ATTEST:



City Clerk

CHAPTER 1

BACK FLOW PROTECTION

SECTION:

- 8-1-1: PUBLIC WATER SUPPLY PROTECTION
- 8-1-2: APPROVAL
- 8-1-3: INSTALLATION
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8-1-1: PUBLIC WATER SUPPLY PROTECTION:

The City Utilities **Water Resources** Department, hereinafter called the "Department," is responsible for protecting the quality of the public water supply. No water service connection to premises of a type specified in Section 8-1-6 shall be installed or maintained unless the public water supply is protected as required by this Chapter. **This article shall be construed and applied consistent with the requirements of AAC R18-4-215.** (1823,2491)

8-1-2: APPROVAL:

- (A) Each back flow preventive device required hereunder shall be approved by the Department prior to installation and shall be installed by and at the expense of the customer. (1823)
- (B) The Department shall approve back flow preventive devices when such devices have received approval by the Foundation for Cross Connection Control Research of the University of Southern California and the manufacturer has a local parts and service center. (1823)

8-1-3: INSTALLATION:

- (A) Devices shall be installed at the service connection in an accessible location approved by the Department. A reduced-pressure principle back flow preventive device shall be installed above ground. Double-check valve devices may be installed below the ground in a vault if approved in writing by the Department. Approval is on a case-by-case basis. Approval shall be obtained prior to issuance of a building/engineering permit. (1823)
- (B) Back flow preventive devices shall have at least the same cross sectional area as the water meter. In those instances where it is determined that a continuous water supply is necessary, two (2) sets of back flow preventive devices shall be installed in parallel. Where parallel devices are required, the sum of the cross sectional areas of the devices shall be at least equivalent to the cross sectional area of the meter. (1823)

- (C) No bypass shall be installed around back flow preventive devices. (1823)

8-1-4: MAINTENANCE, TESTING, AND RECORDS:

- (A) The customer shall test and service such devices at least once each year, shall maintain them in satisfactory operating condition, and shall overhaul, **repair**, or replace such devices if they are found to be defective **within such yearly period**. (1823)
- (B) Records of such tests, service, repairs, and overhauls shall be kept by the customer on forms approved by the Department. A copy of such records shall be sent to the Department **within ten business days after completion of the testing. If any overhaul, repair, or replacement is performed, a certified tester must retest the assembly immediately and submit the additional test results within ten days. Failure to timely submit test records will result in assessment of the Backflow Compliance Late Fee and subject the customer to civil sanction pursuant to Section 8-1-13.** (1823)
- (C) Tests shall be conducted and reported in a manner prescribed by, and/or by persons certified or approved by, the Department ~~or any other agency designated by the Department to prescribe test methods or to certify or approve persons to conduct such tests.~~ (1823)
- (D) Water meters ~~on approved devices~~ shall be owned, maintained, and read by the Department. (1823)

8-1-5: APPROVED BACK FLOW PREVENTIVE DEVICES:

As designated in Section 8-1-6, the standard installation at each service connection to premises or systems requiring an approved back flow preventive device shall be one of the following types: (1823)

- (A) Approved "Reduced Pressure Principle" back flow device (hereinafter "RP"), which shall mean a device containing two (2) independently acting approved check valves together with a hydraulically operating, mechanically independent pressure relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located test cocks and tightly closing shutoff valves at each end of the assembly. (1823)
- (B) Approved "Double Check Valve" assembly back flow preventive device (hereinafter "DC"), which shall mean an assembly composed of two (2) single, independently acting, approved check valves, including tightly closing shutoff valves located at each end of the assembly and fitted with properly located test cocks. (1823)
- (C) Approved "Double Check Detector" assembly, which shall mean a mainline double check valve assembly as defined in Section 8-1-5(B) with a bypass consisting of an approved double check valve assembly, City-approved meter, and shutoff valves. This assembly is used on fire systems to protect against back flow and detect unauthorized water consumption. (1823)
- (D) In certain cases an "Air-Gap Separation" may be used in lieu of an RP. Air-gap separation shall mean a physical separation between the free flowing discharge of a potable water supply and an open or nonpressure-receiving vessel. The separation shall be at least double the diameter of the supply pipe measured directly above the rim of the vessel. Requests for an air-gap separation will be considered on a case-by-case basis, and approval by the Department shall be in writing. (1823)

- (E) Approved "Detector Check Assembly," which shall mean a M.A.G.-approved check valve and Department-approved bypass meter. All requirements of Section 8-1-4 shall pertain to this assembly. (1823)

8-1-6: PREMISES REQUIRING APPROVED BACK FLOW PREVENTIVE DEVICES:

An approved back flow preventive device of the type specified in this Subsection shall be the standard installation of each service connection (whether from a fire hydrant or temporary, regular, or other water service connection) to the following type of premises or systems: (1823)

- (A) Aircraft and missile plants - RP. (1823)
- (B) Automotive plants - RP. (1823)
- (C) Auxiliary water systems (interconnected) - RP (does not include Maricopa County Health Department approved-municipal and private water systems). (1823)
- (D) Auxiliary water systems (not interconnected) - DC (does not include Maricopa County Health Department-approved municipal and private water systems). (1823)
- (E) Beverage bottling plants - DC. (1823)
- (F) Breweries - RP. (1823)
- (G) Buildings greater than three (3) stories or greater than thirty-four feet (34') in height from curb level - DC. (1823)
- (H) Buildings with house pumps and/or potable water storage tank - DC. (1823)
- (I) Buildings with sewage ejectors (inadequate on-site protection) - RP. (1823)
- (J) Buildings with sewage ejectors (adequate on-site protection) - DC. (1823)
- (K) Canneries, packing houses, and reduction plants - RP. (1823)
- (L) Car wash with water reclamation system - RP. (1823)
- (M) Centralized heating and air conditioning plants - RP. (1823)
- (N) Chemical plants - RP. (1823)
- (O) Chemically treated potable (or nonpotable) water systems - RP. (1823)

- (P) Civil works - RP. (1823)
- (Q) Commercial laundries - DC. (1823)
- (R) Dairies and cold storage plants - DC. (1823)
- (S) Dye works - RP. (1823)
- (T) Film processing laboratories - RP. (1823)
- (U) Food processing plants - DC. (1823)
- (V) High schools and colleges - DC. (1823)
- (W) Holding tank disposal stations - RP. (1823)
- (X) Hospitals (major complexes) and mortuaries - RP. (1823)
- (Y) Medical and dental buildings, sanitariums, and rest and convalescent homes - DC. (1823)
- (Z) Irrigations systems (premises having separate systems - such as parks, playgrounds, cemeteries, golf courses, schools, estates, ranches, etc.) - RP. (1823)
- (AA) Laboratories using toxic materials - RP. (1823)
- (BB) Manufacturing, processing, and fabricating plants using toxic materials - RP. (1823)
- (CC) Manufacturing, processing, and fabricating plants using nontoxic materials - RP. (1823)
- (DD) Motion picture studios - RP. (1823)
- (EE) Oil and gas production facilities - RP. (1823)
- (FF) Paper and paper production plants - RP. (1823)
- (GG) Plating plants - RP. (1823)
- (HH) Radioactive materials processing facilities - RP. (1823)
- (II) Restricted, classified, or other closed facilities - RP. (1823)

- (JJ) Rubber plants - RP. (1823)
- (KK) Sand and gravel plants - RP. (1823)
- (LL) Sewage and storm drainage facilities - RP. (1823)
- (MM) Any premises where a cross connection is maintained - RP. (1823)
- (NN) Water trucks, hydraulic sewer cleaning equipment - RP or Air-Gap. (1823)
- (OO) Any premises where water supplied by the City is subject to deterioration in sanitary quality and its entry into the public water system is permitted. (1823)

8-1-7: FIRE SYSTEMS:

Fire systems shall have the following devices: (1823)

- (A) Fire Systems - DC. If the potential for unauthorized water usage exists, a double check detector assembly will be installed in place of a DC. (1823)
- (B) Fire systems with pump and/or storage tank - RP. (1823)
- (C) Fire Systems With Auxiliary Supply-RP. When the potential for unauthorized water usage exists in the systems requiring an RP, the customer may also be required to install a detector check assembly in addition to an RP (M.A.G. Detail 346). (1823)

8-1-8: DISCONTINUANCE/TERMINATION OF WATER SERVICE:

(A) Service of water to any premises may be ~~discontinued~~ **terminated** by the Department if it is found that a back flow preventive device **is not installed as required**, has been removed or bypassed, **has not been properly maintained or is malfunctioning, has not been tested annually, test records have not been provided to the Department,** or if unprotected cross connections exist on the premises; ~~services will not be restored until such conditions or defects are corrected.~~ (1823)

(B) If a violation of Section A presents an imminent hazard to the health and safety of the water supply, the City may issue an Immediate Notice of Termination and act immediately to terminate service, and may also take such other actions as are necessary to abate and correct the conditions or defects and violations described in the Notice. The Department will also provide written notice to the person of the violation in the manner set forth in 8-1-14. Thereafter, services will not be restored until such conditions or defects are corrected and all penalties and other fees and charges are paid, or a hearing in accordance with Title 1, Chapter 27 results in a final finding of no violation.

8-1-9: DEPARTMENT MODIFICATION:

In those instances where conditions warrant, the Department may modify the standard installation herein indicated as appropriate to provide a degree of protection commensurate with the degree of hazard. (1823)

8-1-10: INFORMATION REQUESTS:

Upon request, the Department will provide interested parties with copies of rules and regulations for the testing and maintenance of devices and such other advice, information, illustrative sketches, drawings, and data as may be necessary to familiarize the customers, engineers, architects, and others with Department requirements. (1823)

8-1-11: STANDARDS TO BE MET:

If the Department determines that a customer's back flow preventive device does not meet current standards, the customer shall upgrade his device so that it will meet current standards. (1823)

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8-1-12: EXISTING CUSTOMERS:

Customers that have water service prior to the effective date of this Chapter are subject to all requirements imposed by this Chapter if the Department determines the degree of hazard requires a device be installed. (1823)

8-1-13 LATE FEE, CIVIL SANCTIONS

(A) A Backflow Compliance Late Fee will be assessed against each connection when the customer fails to timely meet the requirements imposed by this Article 1 at Section 8-1-4. The Backflow Compliance Late Fee shall be as set forth in the schedule of Utility Service Fees and shall be in addition to all other applicable rates, fees and charges.

(B) The Department Director and inspectors within the Department, or such other persons as the City Manager may designate, are authorized to commence a civil code violation action under this Chapter as provided in Title 1, Chapter 27 of this Mesa City Code, and may also request that the Mesa City Prosecutor issue a complaint for criminal prosecution.

(C) Nothing in this Section shall preclude City employees from seeking voluntary compliance with the provisions of this Chapter or from enforcing this Chapter through notices of violation, warnings, or other informal devices designed to achieve compliance in the most efficient and effective manner under the circumstances.

(D) In addition to the Backflow Compliance Late Fee established above, a civil action for violations of this Chapter may be commenced by issuance of a complaint in the manner set forth in Section 1-27-2. The complaint shall direct the person to appear at the time and place stated before the Mesa City Court or a Hearing Officer appointed as provided in Section 1-27-8. The complaint shall be served and administered in accordance with Sections 1-27-3 and 1-27-7.

(E) All hearings before the Mesa City Court or a Civil Hearing Officer shall be in accordance with Section 1-27-7 and Title 1, Chapter 27 generally. Hearings shall be informal, except that testimony shall be given under oath or affirmation. The technical rules of evidence shall not apply, except for statutory provisions relating to privileged communications. The City shall have the burden of proving all violations charged by a preponderance of the evidence. No prehearing discovery shall be permitted except under extraordinary circumstances as determined by the Court or Civil Hearing Officer.

(F) Upon an admission of the allegations of the complaint or a finding of violation in favor of the City by the Mesa City Court or Civil Hearing Officer, the Court or Hearing Officer shall enter a finding of responsibility and judgment against the person for civil sanctions in an amount not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) for each violation of this Chapter, and each day of violation continued shall be a separate offense. (3198)

(G) An appeal from a final judgment of the Court or Civil Hearing Officer may be taken in accordance with Title 1, Chapter 27 of this Mesa City Code and pursuant to the rules of procedure for special actions of the Arizona Supreme Court.

8-1-14 HABITUAL OFFENDER:

Any person who violates a provision in this Chapter after previously having been found responsible for committing three (3) or more civil violations, whether by admission, payment of a fine, default, or judgment after hearing, shall be guilty of a criminal misdemeanor. The Mesa City Prosecutor is authorized to file a criminal misdemeanor complaint in the Mesa City Court against habitual offenders who violate this Section.

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