

ORDINANCE NO. SCC 2017 -

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA
AMENDING CHAPTER 13.20 OF THE SHASTA COUNTY CODE
REGARDING CROSS-CONNECTION CONTROL

The Board of Supervisors of the County of Shasta ordains as follows:

SECTION 1. Amendment.

Chapter 13.20 of the Shasta County Code is amended in its entirety to read as follows:

Chapter 13.20

CROSS-CONNECTION CONTROL

Sections:

13.20.010—Definitions.

13.20.020 Public Works Director—Duties—Protection of water supply from

13.20.030 Cross-connection—Unlawful.

13.20.040 Backflow prevention device—Required.

13.20.050 Hazardous substances—Prohibited.

<u>13.20.060</u>	<u>Discontinuation of water service.</u>
<u>13.20.070</u>	<u>Backflow prevention device—Approval required.</u>
<u>13.20.080</u>	<u>Yearly inspections and tests.</u>
<u>13.20.090</u>	<u>Additional rules and regulations.</u>
<u>13.20.100</u>	<u>Certification procedures—Fee schedule.</u>
<u>13.20.110</u>	<u>Rules of administration.</u>
<u>13.20.120</u>	<u>Compliance with state regulations.</u>
<u>13.20.130</u>	<u>Fee Schedule</u>

13.20.010 Definitions.

Whenever the words or terms listed in this section are used, they shall mean the following:

~~"1. "~~"CSA water supply"~~"~~ means any water supply in a county service area (CSA) approved by or under the jurisdiction of a public health agency of the state or any political subdivision thereof and operated by a CSA.

~~"2. "~~"Cross-connection"~~"~~ means an unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome, and potable. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.

~~"3. "~~"Auxiliary water supply"~~"~~ means any water supply other than the CSA water supply.

~~"4. "~~"Approved backflow prevention device"~~"~~ means a backflow prevention device identified in section 7604 of Title 17 of the California Code of Regulations, as now enacted and as may hereafter be amended, that has been manufactured in conformance with the most current standards established by the American Water Works Association (AWWA) entitled "Recommended Practices"~~Standards for Reduced Pressure and Double Check Valve~~ Backflow

Prevention & Cross-Connection Control,"~~Devices,"~~ and has passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated to the California Department of Public Health, or its successor, of ~~Services~~ its competency to perform such tests. Should the standards established by AWWA be amended in the future, the amended standards shall apply.

5. "Public Works Director" means the director of the Department of Public Works as defined in Shasta~~(Ord. 494-344 § 1(A), 1989)~~

~~13.20.020~~ County Code section 2.40.020, as now enacted and as may hereafter be amended.

6. "Environmental Health Director" means the director of environmental health as defined in Shasta County Code section 8.02.040, as now enacted and as may hereafter be amended.

7. "AWWA" means American Water Works Association.

8. "Water User" is any person obtaining water from a CSA water supply or any person applying to obtain water from a CSA water supply.

13.20.020 Public Works Director~~—officer—~~Duties—Protection of water supply from contamination.

The Public Works Director~~county health officer~~ shall protect the CSA water supply from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. The Public Works Director or his or her designee may provide notice of any proposed uses that may pose a potential threat to the CSA water supply. The Shasta County Department of Public Works may advise Water User permit applicants of the appropriate approved backflow prevention device required by the Public Works Director and section 7604 of Title 17 of the California Code of Regulations, as currently enacted and as may hereafter be amended.

~~(Ord. 494-344 § 1(B)(1), 1989)~~

~~13.20.030~~—Cross-connection—unlawful.

It is unlawful, after notice or knowledge thereof, to cause, establish or maintain a cross-connection on any premises or property served by a CSA water supply.

~~(Ord. 494-344 § 1(B)(2), 1989)~~

13.20.040—Backflow prevention device—Required.

A. It is unlawful, after notice or knowledge thereof to cause, establish or maintain an auxiliary water supply on any premises or property which obtains water from a CSA water supply unless the CSA water supply is protected by an approved backflow prevention device, or other method approved by the Public Works Director~~county health officer~~ or his or her designee.

B. Where the auxiliary water supply is a well, as defined in Shasta County Code section 8.56.020, which is approved as destroyed by the Environmental Health Director pursuant to Shasta County Code section 8.56.030, an approved backflow prevention device will not be required.

~~(Ord. 494-344 § 1(B)(3), 1989)~~

13.20.050 Hazardous~~Toxic~~ substances—Prohibited.

It is unlawful, after notice or knowledge thereof to cause, establish or maintain on any premises or property any material dangerous to health or hazardous~~toxic~~ substance under pressure unless the CSA water supply on such premises or property is protected by a method approved by the Public Works Director~~county health officer~~ or his or her designee.

~~(Ord. 494-344 § 1(B)(4), 1989)~~

13.20.060—Discontinuation of water service.

A. The Public Works Director~~department of health services or the county health officer~~ or his or her designee may issue a notice of noncompliance and order ~~at the~~ CSA water supply to any premises or property be discontinued or prohibit establishing a CSA water supply to any premises or property (A "Notice of Noncompliance and Discontinuation of Service") upon a~~upon~~ finding by the Public Works Director~~department of health services or county health officer~~ or his or her designee that there is a violation of Section 13.20.030, Section 13.20.040, or Section 13.20.050 of this Code or the continuation or establishment of such supply may otherwise endanger the public health.

B. The Public Works Director or his or her designee may order the CSA water supply to any premises or property be discontinued or not established immediately, and prior to any opportunity to correct under section 13.20.060(D) or appeal under section 13.20.060(E), where

the Public Works Director or his or her designee determines that the continuation or establishment of such supply constitutes an immediate threat to public health or safety.

C. Every Notice of Noncompliance and Discontinuation of Service shall be served either personally or by first class mail upon the owner or the person in possession of the site at which the violation exists. Any notice given pursuant to this section shall be deemed given and received at the time of delivery, if delivered personally, and if given by mail, such notice shall be deemed delivered and received on the date following the deposit of such notice at a U.S. Post Office in Redding, California, enclosed in an envelope, with sufficient postage thereon affixed, and addressed to such owner or person in possession at his address as shown on his/her application for water service, and if no such address, then to the premises where the violation exists. Every such notice shall state:

1. The act or condition which constitutes the violation;
2. Any provision of this Chapter or other law or regulation deemed to have been violated by the commission of the act or the existence of that condition;
3. The name, address, and telephone number of the person who caused the notice to be issued;
4. Except when the discontinuation or non-establishment of service is immediately ordered under Section 13.02.060(B), the maximum amount of time for voluntary correction of the violation or violations prior to discontinuation or non-establishment of service;
5. The time within which to request an appeal before the Board of Supervisors.

D. Except as to an act or condition that constitutes an immediate threat to public health or safety, the Public Works Director or his or her designee shall permit the owner or person in

possession of the site at least five calendar days in which to voluntarily correct the violation prior to discontinuance or non-establishment of service.

E. Any person aggrieved by a Notice of Noncompliance and Discontinuation of Service may appeal to the Board of Supervisors. Appeals must be in writing and filed with the Clerk of the Board of Supervisors within fifteen days after notification has been sent to or mailed to the person. The Board of Supervisors shall hold a hearing on the appeal. After such hearing, the Board of Supervisors may affirm, modify, or reverse, wholly or in part, the order being appealed.

F. The remedies provided in this chapter are cumulative and not exclusive.

~~(Ord. 494-344 § 1(B)(5), 1989)~~

13.20.070—Backflow prevention device—Approval required.

Prior to the installation of an approved backflow prevention device, the Water User~~customer~~ shall submit to the Public Works~~community services~~ director or his or her designee for approval a statement containing the make and model of the device, and location and method of installation of such device.

~~(Ord. 494-344 § 1(B)(6), 1989)~~

13.20.080—Yearly inspections and tests.

A. The Water User~~customer~~ shall have certified inspections and operational tests made at least once each calendar year on each device installed pursuant to this chapter. If, in the opinion of the Public Works Director~~department of health services or the county health officer~~ or his or her designee, a hazard is great enough, certified inspection at more frequent intervals may be required. All inspections, tests, and corrective work shall be done at the Water User's~~customer's~~ expense. The Water User~~and~~ shall be responsible to perform all corrective work in accordance with~~performed either by~~ the AWWA standards.~~device manufacturer's representative, by community services department personnel, or by a certified tester approved by the department of health services or the county health officer or his designee.~~

B. Inspections and testing may be done by qualified Public Works staff, other County personnel designated by the Public Works Director, or authorized consultants or contractors retained by County and designated by the Public Works Director. Water Users shall be responsible for payment to County of all reasonable costs for performing such inspections and testing.

C. A Water User, at Water User's own expense, may make separate arrangements to have inspections and testing done by private certified testing firms approved by the Public Works Director or his or her designee. To request approval, a Water User shall provide to the Department of Public Works in writing (1) notice of intention to hire a certified tester for the work; (2) the name, certification number, and certifying entity for the tester; and (3) such other information as may be required by the Department of Public Works. It is within the discretion of the Public Works Director and his or her designee to approve any private certified testing firm requested by a Water User. If a private certified testing firm is not approved by the Public Works Director or his or her designee, the inspections and testing shall be done pursuant to section 13.20.080(B). For calendar year 2017, if a private certified testing firm approved by the Public Works Director or his or her designee does not complete the required annual inspections and testing on or before September 1 of calendar year 2017, the inspections and testing for 2017 shall be done pursuant to section 13.20.080(B). Commencing on January 1, 2018, if a private certified testing firm approved by the Public Works Director or his or her designee does not complete the required annual inspections and testing on or before June 30 of the calendar year, the inspections and testing for that calendar year shall be done pursuant to section 13.20.080(B).

~~(Ord. 494-344 § 1(B)(7), 1989)~~

~~13.20.090—Additional rules and regulations.~~

The Public Works Director~~The department of health services or the county health officer~~ may establish additional written rules and regulations for methods of protecting CSA water supplies.

~~(Ord. 494-344 § 1(B)(8), 1989)~~

~~13.20.100—Certification procedures—Fee schedule.~~

The Environmental Health Director~~The department of health services or the county health officer~~ may establish certification procedures for persons desiring to be testers of devices and methods used for the protection of CSA water supplies. The board of supervisors may adopt a fee schedule for such certification procedures.

~~(Ord. 494-344 § 1(B)(9), 1989)~~

13.20.110—Rules of administration.

The Environmental Health Director and the Public Works Director~~The county health officer~~ may establish such rules and regulations as may be necessary for the proper and orderly administration of this ~~chapter~~section.

~~(Ord. 494 344 § 1(B)(10), 1989)~~

13.20.120—Compliance with state regulations.

To eliminate any danger from contaminated water entering the CSA water supply, the Water User~~customer~~ shall comply with the ~~department of health services~~ regulations contained in Title 17 of the California Code of Regulations regarding installation of backflow prevention devices, and with the Environmental Health Director's and Public Works Director's~~county health officer's~~ requirements for such installations. A Water User~~A consumer of water services~~ shall not enter into any contract or agreement to resell any portion of the water delivered to him to be carried or used outside the boundaries of the service area or the property owned or controlled by the Water User~~consumer~~ to whom furnished.

13.20.130 Fee Schedule

The Board of Supervisors may establish fees to offset the costs of implementing this chapter.

SECTION 2. Effect of enactment on past actions

Except as otherwise provided in this section, all former ordinances and resolutions, or part thereof, conflicting or inconsistent with the provisions of this ordinance are hereby repealed. The adoption of this ordinance shall not in any manner affect any action or prosecution for violation of ordinances in effect prior to the effective date of this ordinance, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

SECTION 3. Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, that invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are expressly made severable.

SECTION 4. Adoption.

This ordinance shall take effect and be in full force and effect from and after 30 days after its passage. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this XX day of June 2017, by the Board of Supervisors, County of Shasta, State of California, by the following vote:

AYES:

NOES: _____

ABSENT:

ABSTAIN:

RECUSE:

DAVID A. KEHOE, CHAIRMAN

Board of Supervisors

County of Shasta

State of California

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ATTEST:

LAWRENCE G. LEES

Clerk of the Board of Supervisors

By _____

Deputy (~~Ord. 494-344 § 1(B)(11), 1989: prior code § 5409~~)