

ORDINANCE NO. 2014-11-484

**AN ORDINANCE AMENDING TONTITOWN MUNICIPAL
CODE CHAPTER 51, TITLED "WATER SERVICE," AND
TO ESTABLISH REGULATIONS, REQUIREMENTS, AND
FEES.**

WHEREAS, Chapter 51 of the Tontitown Municipal Code sets forth the regulations, requirements, and fees associated with water service within the city of Tontitown planning area; and

WHEREAS, Chapter 51 requires amendment or alteration, from time to time; and

WHEREAS, based upon the recommendation of the Water Department, it is found that the current Chapter 51 is in need of certain revisions.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the city of Tontitown, Arkansas:

Section 1: That Chapter 51 of the Tontitown Municipal Code is hereby amended by removing the current Chapter 51 in its entirety and replacing it with the new Chapter 51 as attached hereto.

PASSED AND APPROVED this 4th day of November, 2014.



JACK BECKFORD, Mayor

ATTEST:



ALICIA COLLINS, Recorder

CHAPTER 51: WATER SERVICE

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GENERAL PROVISIONS

§ 51.01 WATER LINE EXTENSIONS AND HOOKUPS.

- (A) For purposes of this section, the word **UNIT** shall be defined as one water meter used by the City of Tontitown for the purpose of calculating water usage. One water meter shall be considered one unit regardless of the size of the meter or the water capacity it is designed to measure.
- (B) Whenever a request is made to the City of Tontitown for the extension of a water line and such request is granted, any person connecting to the water line within the first five years of its completion shall pay a pro-rata share of the cost incurred for extending the line, based on the total number of units that have and/or may connect to the water line at the time the connection is made, including the number of units for those persons requesting the connection. The number of units to be used in the calculation shall consist of those units which have already connected to the water line, if any, plus the number of units that may connect to a water line. Units need not be operational to be used in the calculation, if it can be determined how many units may connect to the water line based upon any building permit(s) of record at the time the connection is made.
- (C) The City of Tontitown shall not receive in connection fees, as set forth above, more than 100% of the cost incurred for the installation and/or extension of any water line.
- (D) Any person who connects to an extended water line more than five years after completion of the project shall not be subject to any pro-rating of costs as set forth in division (B) of this section, but shall pay according to the hook-up and meter fees which are in effect at that time.
- (E) The City of Tontitown is vested with full discretion regarding whether a request for the extension of a water line should be granted. In addition, the City of Tontitown reserves the right to determine what portion of the cost, if any, it wishes to bear for the extension of any such water lines.
- (F) Any person wishing to connect to a water line as set forth in this section shall pay for the cost of same by remitting payment to the Water Department of the City of Tontitown at the time the connection is requested.

§ 51.02 PLUMBING PERMITS.

- (A) The construction of the plumbing and gas lines of the owner desiring such permit shall conform to the requirements of the plumbing and gas codes required of citizens living within the corporate boundaries of the City of Tontitown and the City of Tontitown's planning area, as enacted and amended from time to time. Furthermore, such owner shall be required to have such inspections as required by such plumbing and gas codes.
- (B) In the event an owner who desires to have city water does not comply with the terms and provisions of this section, then such owner shall be denied the right to hook on to such water system. Nothing contained herein, however, shall require the City of Tontitown to allow owners outside the corporate boundaries to hook on to its water system.
- (C) All inspections must be ready when called for, and if an extra trip is necessary, there will be an additional minimum charge as set forth in § 155.01 for each additional trip. All inspections shall be called for well in advance as the City Inspector must plan his or her work in an efficient manner.

§ 51.03 SEPTIC TANK REQUIREMENTS.

- (A) No individual sewage disposal system shall be installed within the corporate limits of the City of Tontitown, Arkansas, and its planned growth area, unless it shall conform to the requirements of the Arkansas Department of

Health as established in Act 402 of 1977, being A.C. §§ 14-236-101 *et seq.*, and a permit obtained from Washington County Health Unit.

(B) All such sewage systems installed within the corporate limits of the City of Tontitown, Arkansas, and its planned growth area, must be installed by a licensed septic system installer.

(C) The City Building Inspector shall be authorized to require any property owners in violation of this section to take the necessary action to correct the noncomplying individual sewage disposal systems within 30 working days of being notified; after which, each day's failure to take corrective action shall be punishable by a fine as set forth in § 155.01.

§ 51.04 WATER SERVICE RATES.

(A) The following water rates are hereby fixed for the services to be rendered by the Tontitown Municipal Water System for consumers within the corporate limits of the city and for consumers living outside the corporate limits of the city:

TONTITOWN WATER SERVICE RATES - Effective March 5, 2014					
Inside City Minimum Bill			Outside City Minimum Bill		
Meter 5/8/ inch	\$18.80		Meter 5/8/ inch	\$24.44	
State Tax (6%)	\$1.13		State Tax (6%)	\$1.13	
County Tax (1.25%)	\$0.24		County Tax (1.25%)	\$0.24	
City Tax (2%)	\$0.38		City Tax (2%)	\$0.38	
Health Fee	\$0.30		Health Fee	\$0.30	
Total	\$20.84		Total	\$26.48	
Inside City Rates	Per 1,000 Gal		Outside City Rates	Per 1,000 Gal	
0-50,000 GAL	\$4.41		0-50,000 GAL	\$5.73	
50,001-100,000 gal	\$4.35		50,001-100,000 gal	\$5.66	
100,001 and up	\$4.31		100,001 and up	\$5.60	
Meter Monthly Base Rates	5/8"	1"	2"	3"	4"
Inside City	\$18.80	\$48.07	\$319.03	\$864.91	\$1,152.90
Outside City	\$24.44	\$62.49	\$414.74	\$1,124.38	\$1,498.77
Tap Fees	5/8"	1"	2"	3"	4"
Short Single	\$770.00	\$990.00	\$3,905.00	\$4,455.00	\$5,005.00
Long Single	\$880.00	\$1,100.00	\$4,015.00	\$4,565.00	\$5,115.00
Short Double	\$880.00	\$1,100.00	\$4,015.00	\$4,565.00	\$5,115.00
Long Double	\$990.00	\$1,210.00	\$4,125.00	\$4,675.00	\$5,225.00
*Note: All road bores are paid by the customer. Bore permits and pre-payment of bore fees must be paid at W&S Dept. prior to construction. Bores and encasements must comply with TWU Specifications found at http://tontitownws.com/pdf/currentwsspec.pdf					
Access Fees	5/8"	1"	2"	3"	4"
Inside City	\$935.00	\$935.00	\$935.00	\$935.00	\$935.00
Outside City	\$1,375.00	\$1,375.00	\$1,375.00	\$1,375.00	\$1,375.00
Meter Deposit Rates					
Existing homes	\$50.00				
Commercial	\$80.00				

Hydrant Meter	\$900.00				
Notes: <ol style="list-style-type: none"> 1. A 10% late charge will be assessed to all bills that are not paid by the due date, as shown on bill. 2. All accounts not paid by the shut off date, as shown on late notice, will have a \$25 reconnection fee if connected during normal business hours. 3. All accounts not paid by the shut off date, as shown on late notice, will have a \$100 reconnection fee if connected after normal business hours. 4. Fees charged for returned checks are \$25, plus any bank service charges. 5. An annual fee of \$90 will be charged to verify working condition of Cross Connection devices. Repairs are the responsibility of the customer. 6. The service charge to test meters or change meter sizes is \$50 plus applicable tap charge if needed. 					

WATER USE CODE

§ 51.15 PURPOSE.

This subchapter sets forth standards and requirements for users of water provided by the city and enable the Administrative Authority to comply with all applicable federal and state laws. The objectives of this subchapter are:

- (A) To provide for the protection and maintenance of a sufficient and manageable water supply and distribution system for human consumption, sanitation, and fire protection, and for the conduct of business, watering of lawns, plants, and shrubbery, and for other uses;
- (B) To protect the public water system of the city from cross-connections in users private water systems that would allow the backflow of nonpotable sources to contaminate or pollute the supply of potable water in the municipal system and
- (C) To provide for penalties for violations of the regulations established herein.

§ 51.16 APPLICABILITY.

This subchapter shall apply to all users of water provided by the

§ 51.17 ADMINISTRATION.

Except as otherwise provided herein, the Administrative Authority, as defined in this subchapter, shall administer, *implement*, and enforce the provisions of this subchapter. Any powers granted to or duties imposed upon the Administrative Authority may be delegated by the Administrative Authority to its authorized representative.

§ 51.18 WATER SYSTEM.

- (A) The water system shall be considered as made up of two parts: the municipal system and the user's system.
- (B) The municipal system shall consist of the source facilities and the distribution system, and shall include all those municipal facilities of the water system, under the complete control at the Tontitown Water and Sewer Committee, up to the point where the user'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 user's system.
- (E) The user's system shall include those parts of the facilities beyond the termination of the municipal distribution system that are utilized to convey water to points of use.

§ 51.19 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATIVE AUTHORITY. The Water and Sewer Committee of the City of Tontitown, its designated representatives, and officials from the Tontitown Building Inspector's Office. The Administrative Authority is vested with the responsibility to enforce provisions of this subchapter.

AIR GAP. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture or other assembly and the flood level rim of the receptacle. These vertical or physical separations must be at least twice the diameter of the water supply outlet and never less than one inch (25 mm).

APPROVED. Accepted by the Administrative Authority as meeting any applicable specifications as stated in this subchapter or being suitable for the proposed use.

AUXILIARY WATER SUPPLY. Any water supply on or available to the user's premises, other than that supplied by the municipal water system of the city. Auxiliary waters may include water from another public water system or any natural sources such as a well, spring, river, stream, and so forth; 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 does not have sanitary control.

BACKFLOW. The undesirable reversal of flow in a potable water distribution system as a result of a cross connection.

BACKFLOW-PREVENTION ASSEMBLY. An assembly or means designed to prevent backflow. Acceptable means and devices for backflow prevention include:

- (1) Air gap;
- (2) Reduced-pressure backflow-prevention assembly; and
- (3) Double check valve assembly.

BACKPRESSURE. A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or any other means that may cause the backflow of water from a nonpotable water system to a potable water system.

BACKSIPHONAGE. Backflow caused by negative or reduced pressure in the supply piping.

CITY WATER. Water supplied by the municipal water system of the City of Tontitown, Arkansas.

CONTAMINATION. An impairment of potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard.

CONTRACT WATER USERS. All persons and entities who purchase water from the Tontitown Water Department, for individual use, resale, and/or redistribution.

CROSS CONNECTION. A connection or potential connection between a part of a potable water system and any other environment containing other substances in a manner that under any circumstances would allow such substances to enter the potable water system. Other substances may be gases, liquids, or solids, such as chemicals, waste products, steam, water from other sources (potable or nonpotable), or any matter that may change the color or add odor to the water.

CROSS CONNECTIONS – CONTROLLED. A connection between a potable water system and a nonpotable 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.

CROSS-CONNECTION CONTROL BY CONTAINMENT. The installation of an approved backflow- prevention assembly at the water service connection to any user's premises, where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross connections within the user's water system or it shall mean the installation of an approved backflow-prevention assembly on the service line leading to and supplying a portion of a user's water system where there are actual or potential cross connections that cannot be effectively eliminated or controlled at the point of the cross connection.

DOUBLE CHECK VALVE ASSEMBLY. The approved double check valve assembly consists of two internally loaded check valves, either spring loaded or weighted, installed as a unit between two tightly closing resilient-seated shutoff valves. This assembly shall only be used to protect against a non-health hazard (that is, a pollutant).

HAZARD, DEGREE OF. The terms derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

HAZARD – HEALTH. A cross-connection or potential cross connection involving any substance that could, if introduced in the potable water supply, cause death, illness, spread disease, or have a high probability of causing such effects.

HAZARD – NONHEALTH. A cross connection or potential cross connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, if introduced into the potable water system.

HAZARD – PLUMBING. A plumbing-type, cross connection in a user's potable water system that has not been properly protected by an approved air gap or an approved backflow-prevention assembly.

HAZARD – SYSTEM An actual or potential threat of (1) severe damage to the physical properties of the public potable water system or the user's potable water system; or (2) a pollution or contamination that would have a protracted effect on the quality of the potable water in the system.

INDUSTRIAL FLUID SYSTEMS. Any system containing a fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration, such as would constitute a health, system, pollution, or plumbing hazard, if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters, and used waters originating from the municipal water system that may have deteriorated in sanitary quality; chemicals in fluid form plating acids and alkalines; circulating cooling waters connected to an open cooling tower, and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural water, such as wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, and so forth; oil, gases, glycerin, paraffins, caustic and acid solutions and other liquids and gaseous fluids used in industrial or other purposes or for fire- fighting purposes.

NONPOTABLE WATER. Water that is not safe for human consumption or that is of questionable quality.

POLLUTION. The presence of any foreign substance in water that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water.

POTABLE WATER. Water that is safe for human consumption as defined by the Arkansas Department of Health and the U. S. Environmental Protection Agency.

PRIVATE WATER SYSTEM. The user's water supply system of a building or premises that includes water-service pipe beyond the termination of the municipal water system, the water-distribution pipes and the necessary connecting pipes, fittings, control valves and all appurtenances in or adjacent to the building or premises.

PUBLIC WATER SYSTEM. Facilities owned and maintained by the municipal water system utilized in the transmission, storage, distribution and metering of potable water.

REDUCED-PRESSURE BACKFLOW-PREVENTION ASSEMBLY. The approved reduced-pressure principle backflow-prevention assembly consists of two independently acting approved check valves together with a hydraulically operating mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks.

SERVICE CONNECTION. The terminal end of a service connection from the municipal water system, that is, the point where the user assumes control of the water system providing service to the premises. For metered services, the service connection is a point immediately outside the meter box where the user has connected to the piping supplied by the municipal water system as a part of the meter setting. For unmetered fire protection systems, the service connection is the designated control valve owned and maintained by the municipal water system.

TONTITOWN BUILDING INSPECTOR. Officials of the City of Tontitown licensed by the Arkansas Department of Health to enforce provisions of the State Plumbing Code.

TONTITOWN WATER AND SEWER COMMITTEE. The Board of the Water and Sewer Committee, established by City Ordinance Number 2012-11-434, for the purpose of operating and maintaining the municipally owned water system of the city.

USE/USERS OF WATER, WATER USER. Any individual, group, partnership, corporation, government entity or organization receiving water supplied by the municipal water system of the City of Springdale.

§ 51.20 BACKFLOW PREVENTION.

(A) *Responsibility.* The Tontitown Water Committee is hereby authorized to *implement* and administer a Cross-Connection and Backflow Prevention Program to protect potable water supplied in the municipal system of the City of Tontitown. By virtue of this authority, the Tontitown Water and Sewer Committee and its authorized agents shall become the Administrative Authority responsible for the implementation and administration of a Cross-Connection and Backflow Prevention Program for the city. The Administrative Authority is further authorized and delegated the responsibility to enforce provisions contained in this subchapter and future amendments hereto.

(B) *Enforcement.* It in the judgment of the Administrative Authority, an approved backflow prevention device is required to protect the quality of potable water supplied in the municipal system from nonpotable sources in the

user's water system, the water user shall be given written notice to install an approved back flow prevention device or devices at one or more specified locations in the user's water system. The water user shall be required to immediately install such approved backflow device(s) at one or more specified locations at the water user's expense. Failure, refusal, or inability of the water user to install, have tested and maintain said backflow-prevention devices shall constitute grounds for discontinuing water service until such requirements have been adequately satisfied.

(C) *Policy.* No water service connection to any premises shall be installed or maintained by the Tontitown Water and Sewer Committee unless the water supply is protected as required by federal and state laws and regulations, and provisions of this subchapter. Service of water to any premises shall be discontinued by the Tontitown Water and Sewer Committee if a backflow-prevention assembly required by this subchapter is not installed, tested, and maintained, or if it is found that a backflow-prevention assembly has been removed, bypassed or if an unprotected cross connection exists on the premises. Services will not be restored until such conditions or defects are corrected.

(1) *Inspection.* The user's system shall be open for inspection at all reasonable times to authorized representatives of the Administrative Authority to determine the existence of cross connections or other structural or sanitary hazards, including violations of this subchapter. When such a condition becomes known, the Tontitown Water and Sewer Committee shall have the authority to deny or immediately discontinue service to the premises by providing for a physical break in the service line until the user has corrected the condition or conditions in conformance with federal and state statutes and regulations, city ordinances, standards relating to plumbing and water supplied and the regulations adopted pursuant thereto.

(2) *Auxiliary water supply.* Municipal water service shall not be provided to any premises when the user's water system is interconnected to an auxiliary water supply. When such a condition becomes known, the Tontitown Water and Sewer Committee shall have the authority to deny or immediately discontinue service to the premises until such time the user has installed an approved air-gap separation to provide a physical break between the user's auxiliary water supply and the municipal water system. An air-gap separation shall be the only acceptable means to protect the backflow of auxiliary water through the service connection to the municipal water system, thereby limiting the degree of hazard that exists.

(3) *Type of backflow-prevention assembly required.* An approved backflow-prevention assembly shall be installed on each service line to a user's water system at or near the property line or immediately inside the building to be served; but in all cases, before the first branch line leading off the service line wherever the following conditions exist:

(a) In the case of premises on which any industrial fluid systems or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the municipal water system, the municipal water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree hazard. This shall include the handling of process water and waters originating from the municipal water system that have been subjected to deterioration in quality.

(b) In the case of premises having (1) internal cross-connections that cannot be permanently corrected and controlled, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to

ascertain whether or not dangerous cross connections exist, the municipal water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line.

- (4) *Type of backflow-prevention assembly required.* The type of backflow-prevention assembly required under division (C)(3) shall depend upon the degree of hazard that exists as follows:
- (a) In the case of premises where there are water and/or substances(s) that would be objectionable but not hazardous to health if introduced into the municipal water system, the municipal water system shall be protected against backflow by an approved double check valve assembly.
 - (b) In the case of premises where there is material danger to health that is handled in such a fashion as to create an actual or potential hazard to the municipal water system, the municipal water system shall be protected against backflow by an approved air-gap separation or an approved reduced- pressure backflow-prevention assembly. Examples of premises where such conditions exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, and metal plating facilities.
 - (c) In the case of premises where there are cross-connections, either actual or potential, the municipal water system shall be protected against backflow by an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly at the service connection.
 - (d) In the case of premises 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 municipal water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced-pressure backflow-prevention assembly on each service connection to the premises.
 - (e) In the case of premises where, in the opinion of the Administrative Authority, and undue health threat is posed because of the presence of extremely toxic substances, the Administrative Authority may require an air-gap at the service connection to protect the municipal water system. This requirement will be at the discretion of the Administrative Authority and is dependent on the degree of hazard.
- (5) *Approved backflow-prevention assembly.* Any backflow-prevention assembly required herein shall be a model and size approved by the Administrative Authority. 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 and approved by the Arkansas Department of Health.
- (6) *Certified inspections and operational tests.* It shall be the duty of the user at any premises where backflow-prevention assemblies are installed to have certified inspections and operational tests made at least once per year, and the unit overhauled at least every five years. In those instances where the Administrative Authority deems the hazard great enough, certified inspections may be required at more frequent intervals. These inspections are tests that shall be at the expense of the water user and shall be performed by the assembly manufacturer's representative or by a certified tester approved by the Arkansas Department of Health. It shall be the duty of the water user to see that these tests are made in a timely matter. The user shall notify the Administrative Authority in advance when the tests are to be undertaken so that representatives of the

Administrative Authority may witness these tests if so desired. These assemblies shall be repaired, overhauled, or replaced at the expense of the water user whenever said assemblies are found to be defective. Records of such certified tests, repairs, and overhaul shall be kept for no less than five years, and a copy submitted to the Administrative Authority within ten working days of the tests or repairs.

- (7) *Notification.* It shall be the duty of the water user at any premises being provided water service by the Tontitown Water and Sewer Committee to notify the Administrative Authority of the installation of a new backflow-prevention assembly. Certified inspections and operational tests shall be made within ten working days of the date the new backflow-prevention assembly is placed into operation. The installation of all new backflow-prevention assemblies shall be inspected and their operation tested by the assembly manufacturer's representative, or by a certified tester approved by the Arkansas Department of Health. All fees and expenses for tests and inspections shall be at the expense of the water user.
- (8) *Exclusion from requirements.* All presently installed backflow-prevention assemblies that do not meet the requirements of this subchapter but were approved assemblies for the purpose described herein at the time of installation and that have been properly maintained shall, except for the inspection and maintenance requirements under division (C)(6), be excluded from the requirements of these rules so long as the Administrative Authority is assured that they will satisfactorily protect the municipal water system. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance, or when the Administrative Authority 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 subchapter.

Annual fee. The Administrative Authority is hereby authorized to collect an annual fee from each user of water maintaining a backflow-prevention assembly. The annual fees collected shall be used to offset the cost of establishing and maintaining a record system to permit and track backflow-prevention assemblies and their annual certification. The annual permit fee collected by the Administrative Authority shall not exceed the sum as set forth in § 155.01 for each backflow-prevention assembly maintained by each user of water.

CROSS-CONNECTION CONTROL PROGRAM

§ 51.30 INTENT.

- (A) In compliance with the State of Arkansas 'Rules and Regulations Pertaining to Public Water Systems', Section VII.E, the City of Tontitown finds it necessary for the health, safety and welfare of the people served by the Water and Sewer Committee of the City of Tontitown, to adopt cross-connection control standards which establish the requirements for the design, construction and maintenance of connections to the public water supply. These standards are supplemental to and do not supersede or modify the Arkansas State Plumbing Code (ASPC) and its latest revisions under which the city operates. This subchapter pertains to commercial and industrial establishments only.
- (B) Single-family, residential dwelling units, unless involved in commercial operations, are exempt from the requirements of this subchapter except where they fall under the purview of the Arkansas State Plumbing Code (ASPC).

§ 51.31 PURPOSE.

The purposes of this subchapter are:

- (A) To provide for the protection of the public potable water supply;
- (B) To isolate at the service connection any actual or potential pollution or contamination within the consumer's premises; and
- (C) To provide a continuous, systematic and effective program of cross-connection control.

§ 51.32 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BACKFLOW. A hydraulic condition, caused by a difference in pressures, in which non-potable water or other fluids flow into a potable water system.

BACKFLOW PREVENTER. A testable assembly to prevent backflow.

DOUBLE-CHECK VALVE ASSEMBLY (DC). A complete assembly meeting *AWWA* Standard C5 10 and the requirements of the Arkansas State Plumbing Code consisting of two internally loaded, independently operating check valves between two tightly closing resilient-seated shutoff valves, with four properly placed resilient seated test cocks.

REDUCED-PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY (RP). A complete assembly meeting *AWWA* Standard C51 I and the requirements of the Arkansas State Plumbing Code consisting of a hydraulically operating, mechanically independent differential relief valve located between two independently operating, internally loaded check valves that are located between two tightly closing resilient seated shutoff valves with four properly placed resilient-seated test cocks.

AIR GAP (AG). A physical separation between two piping systems.

§ 51.33 OPERATING CRITERIA.

The water utility's "Cross-Connection Control Program: Handbook of Policies and Procedures" is hereby incorporated into this subchapter by reference. it is the primary responsibility of the water purveyor and/or the City of Tontitown Water and Sewer Committee to evaluate the hazards inherent in supplying a consumer's water system; i.e., determine whether solid, liquid or gaseous pollutants or contaminants are, or may be, handled on the consumer's premise in such a manner as to possibly contaminate the public water system. When a hazard or potential hazard to the public water system is found on the consumer's premise, *the* consumer shall be required to install an approved backflow prevention assembly (BFP), or an air gap, at each public water service connection to the premise in accordance with this subchapter's requirements. The type of BFP shall depend on the degree of hazard involved. The degree of hazard shall be as described in *AWWA M- 14* manual or as described below.

- (A) In the case of any premise where there is an auxiliary water supply, connected to the plumbing system, the public water system shall be protected from the possibility of backflow by a reduced-pressure principle backflow prevention assembly (RP) at the service connection.
- (B) In the case of any premise where substances are handled that are objectionable, but not hazardous to human health, and the likelihood exists of it being introduced into the public water system by virtue of a backflow occurrence, the public water system shall be protected by an air gap or an approved double check valve assembly (DC).

- (C) In the case of any premise where there is any material, hazardous to human health, which is handled in such a fashion as to create an actual or potential threat to the public water system by virtue of a backflow occurrence, the public water system shall be protected by an air gap or an approved reduced-pressure principle backflow prevention assembly (RP).
- (D) In case of any premise where there are unprotected cross-connections, either actual or potential, the public water system shall be protected by an approved reduced-pressure principle backflow prevention assembly (RP) or an air gap at the service connection.
- (E) 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 cross-connection survey, the public water system shall be protected by the installation of an approved reduced-pressure principle backflow prevention assembly (RP) or an air gap at the service connection.

§ 51.34 FACILITIES REQUIRING BACKFLOW PROTECTION.

- (A) The following is a partial list of facilities which ordinarily will require a reduced-pressure principal backflow prevention assembly (RP) or an air gap in accordance with the ASPC. Requirements are based upon the degree of hazard afforded the public potable water system
 - (1) Automatic car washes.
 - (2) Auxiliary water systems (interconnected with the public water system).
 - (3) Exterminators and veterinary clinics.
 - (4) Facilities with boilers, condenser water or chilled water systems.
 - (5) Fire systems containing chemical additives.
 - (6) Hospitals, medical clinics, dental clinics, health clinics, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes.
 - (7) Irrigation systems and lawn sprinkler systems.
 - (8) Laboratories (industrial, commercial, photography, medical and school).
 - (9) Commercial laundries.
 - (10) Radiator and battery shops.
 - (11) Restricted, classified or other facilities closed to inspection.
 - (12) Sand, gravel and concrete plants.
 - (13) Wastewater treatment plants, pump stations and storm water pumping facilities.
 - (14) Marinas and dockside facilities.
 - (15) Commercial swimming pools.

- (16) Commercial farms using pesticides and herbicides.
 - (17) Establishments holding livestock for sale or slaughter including cattle, horses, hogs, poultry, emus, ostriches, llamas, rabbits, etc.
 - (18) Others (with suspected high hazards).
- (B) The following is a partial list of facilities which ordinarily will require a minimum of a double check valve assembly (DC) or an air gap in accordance with the ASPC:
- (1) Tall buildings (over four stories) or any buildings with water booster pumps.
 - (2) Beauty parlors and barber shops.
 - (3) Hotels and motels.
 - (4) Restaurants, cafeterias, fast-food marts and other food handling facilities.
 - (5) Fire sprinkler systems (without chemicals).
 - (6) Others (with suspected medium hazards).

§ 51.35 APPROVAL OF BACKFLOW PREVENTION DEVICES.

Any backflow prevention assembly required herein shall be an approved type which is in compliance with requirements of the Arkansas State Plumbing Code.

§ 51.36 NON-COMPLIANCE.

- (A) In emergency situations when the public potable water supply is being contaminated or is in immediate danger of contamination the water service shall be discontinued by the water purveyor.
- (B) No water service connection shall be installed on the premises of any consumer unless the public potable water system is protected as required by this subchapter.
- (C) Delivery of water to premises of any consumer may be discontinued by the water purveyor and/or the City of Tontitown Water and Sewer Committee and if any protective device required by this subchapter has not been installed, or is defective, or has been removed or bypassed. Discontinued water service shall not be resumed until conditions at the consumer's premise have been abated or corrected to the satisfaction of the water purveyor.
- (D) Upon discovery of a violation of this subchapter, written notice shall be given to the consumer. If violations are not corrected by date and time as stated on the notice, the water supply will be discontinued and the violation may be referred to the City of Tontitown Water and Sewer Committee.
- (E) For the purpose of making any inspections or discharging the duties imposed by this subchapter, the water purveyor and/or the City of Tontitown Water and Sewer Committee, the State Health Department, and/or plumbing inspector shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises of water from the public water supply, shall be considered as having stated his consent to the entry upon his premise of the water purveyor and/or superintendent, the State Health Department, and/or plumbing inspector for the purpose stated herein.

§ 51.37 OWNERSHIP.

Backflow prevention assemblies installed downstream of the water meter are owned by and are the responsibility of the customer of the water utility.

§ 51.38 INSTALLATION AND COSTS.

Customers requiring backflow prevention assemblies shall pay all costs associated with installation and testing of the appropriate size and type of backflow preventer under private contract. For newly constructed facilities, backflow preventers shall be installed prior to the final plumbing inspection so that the device can be included as part of the inspection. Backflow prevention assemblies shall be installed in accordance with the requirements of the Arkansas State Plumbing Code.

§ 51.39 TESTING AND MAINTENANCE.

The consumer will be responsible for the testing of the backflow prevention assembly by contract with a certified assembly test technician within ten days of installation and annually thereafter. The consumer shall furnish the water purveyor and the City of Tontitown Water and Sewer Committee with a certificate of satisfactory testing by the anniversary date of the installation of the assembly. In instances where the water purveyor, the City of Tontitown Water and Sewer Committee and/or the plumbing inspector deems the hazard to be great enough, testing may be required at more frequent intervals. All costs of testing shall be paid by the consumer. Any repairs required as a result of inspections or testing shall be arranged for and paid by the consumer through private contract with a certified assembly repair technician. Records of inspections, testing and/or repairs to backflow preventers shall be kept by the water purveyor and/or the City of Tontitown Water and Sewer Committee and made available to the State Health Department upon request.