

GENERAL ORDINANCE NO. 2-13

AN ORDINANCE
REPEALING AND RECREATING SECTION 21.09,
GREEN BAY MUNICIPAL CODE,
RELATING TO CROSS-CONNECTION CONTROL PROGRAM

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 21.09, Green Bay Municipal Code, is hereby repealed:

21.09 **CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION.** (Rep. & Rec. GO 18-02)

(1) Definitions.

(a) Backflow. The undesirable flow of water or mixtures of water and other liquids, gases or other substances under positive or reduced pressure into the Green Bay Water Utility (hereinafter “Utility”) distribution pipes of the potable supply of water from any source.

(b) Backflow Preventer. A device or means designed to prevent backflow caused by backpressure or back-siphonage; most commonly categorized as air gap, reduced pressure principle backflow preventer, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent, and barometric loop.

(c) Backpressure. An elevation of pressure in the downstream piping system (i.e., pump, elevation of piping, or steam and/or air pressure) above the Utility supply pressure, which would cause or tend to cause a reversal of the normal direction of flow.

(d) Back-siphonage. The flow of water or other liquids, mixtures or substances into the distribution pipes of the Utility’s potable water supply system from any source caused by the sudden reduction of pressure in the Utility’s potable water supply system.

(e) Cross-connection. Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Utility, and the other containing water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(2) Cross-Connection Prohibited. No person shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply, other than the public water supply of the Utility, may enter the supply or distribution system of the Utility, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Utility and the State of Wisconsin Department of Natural Resources.

(3) Inspections. It shall be the duty of the Utility to cause inspection to be made of all properties serviced by the Utility where cross-connection with the public water system is deemed possible. Residential properties serviced by the Utility shall be inspected on a 10-year interval. All non-residential properties serviced by the Utility shall be inspected on a 2-year interval. The Utility may, but is not required to, perform the cross-connection inspection of the owner's property. If, in the opinion of the Utility, the Utility is not able to perform the inspection, the property owner must, at their own expense, have the plumbing inspected for cross-connections by a State of Wisconsin Certified Cross-Connection Inspector/Surveyor or by a State of Wisconsin licensed plumber. The frequency of required inspections and re-inspections, based on potential health hazards involved, may be shortened by the Utility. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for on-premises follow-up visits by Utility personnel for re-inspection due to customer non-compliance and for after-hours inspections or re-inspections.

(4) Right of Entry. Upon presentation of credentials, representatives of the Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Utility for cross-connection. If entry is refused, such representatives shall obtain a special inspection warrant under §66.0119, Wis. Stats. The Utility shall charge the property owner a fee of \$20 per day for refusal to allow entry to examine any property. Upon request, the owner, lesser, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.

(5) Authority to Discontinue Service. The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any damage or contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained, and repaired in compliance with this ordinance and Wisconsin Administrative Code NR 811 or if it is found that the means of backflow prevention required by this ordinance has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as provided in subsection (7) of this section.

(6) Reconnection of Service. Water service to any property discontinued under the provisions of this ordinance shall not be restored until the cross-connection has been eliminated or a backflow prevention device approved by the Utility has been installed in compliance with the provisions of this section. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for the reconnection of the water service.

(7) Emergency Discontinuance of Service. If it is determined by the Utility that a cross-connection or an emergency endangers public health, safety, or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee, or occupant shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance. Such hearing shall be before the City of Green Bay Water Commission and shall conform to all existing due process requirements.

(8) Owner Responsibility. The property owner shall be responsible for the elimination of or protection from all cross-connections on their premises. The owner shall, at their expense, have installed, maintained, and tested any and all backflow preventers on their premises in compliance with Wisconsin Administrative Code NR 811 and Comm 82. The property owner shall have corrected any malfunction, revealed by periodic testing, of any backflow preventer on their premises. The property owner shall inform the Utility of any proposed or modified cross-connections and also any existing cross-connections that are not protected by an approved backflow prevention device. The property owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Property owners who cannot shut down operation for testing of the backflow prevention device must supply additional devices necessary to allow testing to take place. In the event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own approved backflow preventer. The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA M14 titled "Recommended Practice for Backflow Prevention and Cross-Connection Control", unless the Utility requires or authorizes other means of protecting the public water system. These requirements or authorizations will be at the discretion of the Utility.

(9) Additional Protection. In the case of premises having (a) internal cross-connections that cannot be permanently corrected or controlled, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the Utility, could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, mortuaries, plating plants, and car wash establishments. In the case of any premises where, in the opinion of the Utility, an undue health threat is posed because of the presence of toxic substances, the Utility may require an approved air gap at the service connection to protect the public water system. This requirement will be at the discretion of the Utility.

(10) Wisconsin Administrative Code. Wisconsin Administrative Comm 82 is hereby adopted, except any penalty provisions therein. Wisconsin Administrative Code NR 811 is hereby adopted.

(11) Plumbing Code. This section does not supersede the State of Wisconsin Plumbing Code, Comm 81 – 87, or the City Plumbing Code, Ch. 16, Green Bay Municipal Code, but is supplementary to them.

SECTION 2. Section 21.09, Green Bay Municipal Code, is recreated as follows:

21.09 CROSS-CONNECTION CONTROL PROGRAM. The Green Bay Water Utility shall cause a cross-connection survey to be conducted and enforce this subsection.

(1) **ADOPTED STATE LAW.**

(a) **Definitions.** Section SPS 381.01, Wis. Adm. Code, as it may be amended from time to time, is hereby adopted by reference and incorporated as though fully set forth herein.

(b) **Cross-Connections.** Sections NR 810.15 and SPS 382.41, Wis. Adm. Code, as they may be amended from time to time, are hereby adopted by reference and incorporated as though fully set forth herein.

(c) **Local Well Regulation.** Section NR 810.16, Wis. Adm. Code, as it may be amended from time to time, is hereby adopted by reference and incorporated as though fully set forth herein.

(2) **SURVEYS.** Cross-Connection Surveyors must meet the qualifications contained in the City of Green Bay's Cross-Connection Control Plan as approved by the Wisconsin DNR. The water utility shall cause a survey for every residential service on a schedule matching meter replacement. The water utility shall cause a survey of every industrial, commercial and public authority service a minimum of once every two (2) years. Commercial properties of similar or lesser risk to residential properties may follow the same schedule as residential properties. The water utility may obtain a special inspection warrant if consent to entry for survey purposes has been refused.

(3) **DISCONTINUANCE OF WATER SERVICE.** Section PSC 185.37, Wis. Adm. Code, as it may be amended from time to time, is hereby adopted by reference and incorporated as though fully set forth herein.

(4) **REGULATIONS.** The owner of a property shall install a backflow preventer, air-gap separation, or other mechanism at the service connection to protect the public water system upon demand of the water utility for any of the following reasons:

(a) An internal cross-connection cannot be permanently corrected or controlled.

(b) Plumbing system is designed in a manner that it is impracticable or impossible to ascertain whether cross-connections exist.

(c) A dangerous material is handled in such a manner on site that it creates an actual or potential health hazard to the public water system.

(d) The plumbing system services a sewage treatment plant, hospital, mortuary, plating plant or car wash.

(e) An undue health threat is posed because of the presence of toxic substances at the plumbing system's site.

SECTION 3. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 18th day of February, 2013.

APPROVED:

/s/ James J. Schmitt
Mayor

ATTEST:

/s/ Kris Teske
Clerk

KJD:bc

02/05/13