

CITY OF BEDFORD, OHIO

ORDINANCE NO. 006-24

AN ORDINANCE AMENDING SECTION 911.13 ENTITLED “BACKFLOW PROTECTION” OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AND DECLARING AN EMERGENCY

WHEREAS, the Administration recommends that Section 911.13 relating to Backflow Protection to be updated to comply with current practices, and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bedford, County of Cuyahoga, and the State of Ohio:

Section 1. Section 911.13 Backflow Protection which currently reads:

911.13 BACKFLOW PROTECTION.

- (a) If, in the judgment of the Service Director, an approved backflow prevention device is necessary for the safety of the public water system, the Service Director will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expense, install such an approved device at a location and in a manner approved by the Service Director, and shall have inspections and tests made of such approved devices as required by the Service Director.
- (b) No Person, 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 Bedford may enter the supply or distributing system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Service Director of the City of Bedford and by the Ohio Environmental Protection Agency.
- (c) It shall be the duty of the Service Director 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 Service Director shall deem necessary.
- (d) The Service Director 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 distribution system of the City of Bedford 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 Service Director 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 Service Director, be deemed evidence of the presence of improper connections as provided in this ordinance.

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- (e) The Service Director is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection is violation of the provisions of this ordinance 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 ordinance.

IS HEREBY AMENDED TO READ:

911.13 BACKFLOW PROTECTION.

(a) Purpose and Intent:

- (1) The purpose of this ordinance is to protect the public water supply of the City of Bedford from contamination or pollution by establishing requirements for the installation, maintenance, and testing of backflow prevention devices. The Water Purveyor, or its duly authorized representative shall be responsible for enforcing and administering this ordinance.

(b) Backflow Prevention Devices:

- (1) If in the judgment of the Water Purveyor, or its duly authorized representative, an approved backflow prevention device shall be installed on each service line connection, where in the judgment of the Water Purveyor, or its duly authorized representative, an actual or potential hazard to the public water supply exists.
- (2) The City of Bedford shall maintain a list of approved backflow prevention devices and shall provide such information to property owners upon request.

(c) Testing and Repairs:

- (1) All installed backflow prevention devices must be tested at least once every 12 months by a certified backflow prevention assembly tester approved by the Water Purveyor, or its duly authorized representative, or designee. All tests shall be submitted to the City of Bedford or its designee.
- (2) Property owners are responsible for record-keeping, scheduling, and covering the costs associated with the testing, repairs, and maintenance of their backflow prevention devices.
- (3) The City of Bedford or its designee shall provide written notification to property owners at least 15 days prior to the due date for the annual backflow prevention device testing. The notification shall include information on the testing requirements, the deadline for compliance, and the potential consequences of non-compliance.

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- (4) In the event of a failed backflow test, property owners must promptly hire a licensed plumber or contractor to make necessary repairs or replacements to bring the backflow prevention device into compliance.
- (5) The repaired or replaced backflow prevention device must be repaired and tested within 30 days of the initial failure, and the certification of compliance must be submitted to the City of Bedford or its designee.
- (6) Failure to address and rectify failed backflow tests within the specified timeframe may result in penalties, including fines or water service disconnection.

(d) Surveys:

- (1) The Water Purveyor, or its duly authorized representative may conduct periodic surveys of properties to ensure compliance with backflow prevention device installation, maintenance requirements, and proper protection of the public water supply.
- (2) The Water Purveyor, or its duly authorized representative shall have the right to enter any property at any reasonable time for the purpose of conducting surveys and inspections. Failure to grant access may result in penalties, including fines or water service disconnection until access is provided for necessary surveys or inspections.

(e) Notice of Violation:

- (1) Property owners found in violation of this ordinance shall receive written notice specifying the nature of the violation and the required corrective actions.

(f) Water Service Disconnection:

- (1) In the event that a property is found to be in violation of this ordinance, the Water Purveyor, or its duly authorized representative, after reasonable notice, may disconnect the water service to the property until the necessary corrections are made.
- (2) A \$100 turn-on fee will be assessed for the restoration of water service after disconnection.

(g) Additional Backflow Prevention Measures:

- (1) Residential property owners may be required to install backflow prevention devices even if not explicitly required by this ordinance, as an additional measure to protect the public water supply.
- (2) Property owners shall keep records of all backflow prevention device installations,

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tests, and maintenance activities for inspection by the Water Purveyor, or its duly authorized representative

(h) Enforcement:

(1) The Water Purveyor, or its duly authorized representative is hereby authorized to enforce the provisions of this ordinance. Enforcement actions may include fines, water service disconnection, or other remedies deemed appropriate by the Water Purveyor, or its duly authorized representative. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected in compliance with these provisions of this section.

(2) Violations of this ordinance may also be subject to legal action as allowed by applicable laws.

Section 2. That actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the public peace, health safety and welfare of the City of Bedford and further reason that said changes need to be implemented at the earliest possible time.

WHEREAS, this Ordinance shall be in full force and effect immediately upon its passage.

1st Rdg.: 2/5/24

2nd Rdg.: 2/20/24

Stanley C. Koci, Mayor-President of Council

Tracy M. Simons, Clerk of Council

Prepared and approved as to legal content by: _____
John J. Montello, Law Director

PASSED: March 4, 2024