

**CITY OF CLAREMONT
NORTH CAROLINA
ORDINANCE 05-26
AN ORDINANCE TO AMEND TO THE CODE OF ORDINANCES
OF THE CITY OF CLAREMONT
TITLE 5, CHAPTER 1, ARTICLE B, SECTION 40**

WHEREAS, the City Council of Claremont recognizes that ensuring the safety and quality of our water supply is essential for the health and well-being of our community; and

WHEREAS, the proposed ordinance aims to safeguard public health by establishing stringent measures to prevent harmful substances and chemicals from infiltrating our water distribution system; and

WHEREAS, protecting our water supply from external contaminants is critical in preserving the integrity of our natural resources and promoting a safe environment for all residents of Claremont; and

WHEREAS, the implementation of this ordinance will enhance the City's ability to monitor and regulate potential hazards, thereby fostering a proactive approach to water safety;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLAREMONT,

Title 5, Chapter 1, Article B, Section 40 of the City of Claremont Code of Ordinances is hereby created by changing the following (new language appears as highlighted; deleted language and/or deleted sections appear as "strikethroughs"):

Section 5-1-40 Backflow Prevention Program

(a) - Objectives of Ordinance

The City of Claremont recognizes that there are varying degrees of hazard to potable water within the public water system and seeks to ensure the degree of protection is the same as the degree of hazard. The purpose of the Backflow Prevention Program is to eliminate or control all cross-connections within the public potable water supply. The objectives of the Backflow Prevention Program are as follows:

- (1) To protect the public potable water supply of the City of Claremont from the possibility of contamination or pollution by isolating within the customer's water system such contaminants, waterborne health hazards and

CONSUMER/CUSTOMER: Any person, firm, or corporation using or receiving water from City of Claremont Public Services Department.

CONTAINMENT: Prevention of possible contamination from a private water system by installing an approved backflow prevention assembly.

CONTAMINATION: The degradation of the quality of water so as to constitute a hazard or impair the usefulness of water.

CROSS-CONNECTION: Any physical connection between the public water supply system and any other source. This includes piping systems, sewer fixtures, containers, or devices whereby water or other liquids, mixtures, or substances may flow into or enter the public water supply system.

CITY OF CLAREMONT PUBLIC SERVICES DEPARTMENT: The authority having the jurisdiction of the City of Claremont water and sewer system and related appurtenances.

DEGREE OF HAZARD: Derived from an evaluation of the health, hazard, system, plumbing, or pollution hazards.

DIRECTOR: The Director of the City of Claremont Public Services Department.

DOUBLE CHECK VALVE ASSEMBLY: An assembly composed of two (2) single, independently acting approved check valves, including tightly closing shut-off valves located at each end of the assembly, and suitable connections for testing the water-tightness of each check valve.

DOUBLE CHECK-DETECTOR CHECK VALVE ASSEMBLY: An assembly composed of an approved double check valve assembly with a bypass water meter and a meter-sized approved double check valve device. The meter shall register accurately for very low flow rates and shall register all flow rates.

HIGH HAZARD: An actual or potential threat of contamination to the public water system or to a private water system to such a degree or intensity that there could be a danger to health.

IMMINENT HAZARD: An actual threat of contamination that presents a danger to the public health with consequences of serious illness or death.

MODERATE HAZARD: One that presents foreseeable and significant potential for pollution, nuisance, aesthetically objectionable or other undesirable alterations of the drinking water supply.

PLUMBING INSPECTOR: The duly authorized Plumbing Inspector for Catawba County as certified by the North Carolina Code Qualifications Board.

POINT OF DELIVERY: The terminal end of a service connection from the public potable water system, i.e. where the Public Services Department loses sole jurisdiction over the water; the point where water leaves the public water system and enters a private water system.

POTABLE WATER: Water from any source which has been approved for human consumption by the appropriate agency of the State of North Carolina.

PRIVATE WATER SYSTEM: A system of pipes or other associated facilities that is not part of the public water system and is used to move or receive water, regardless of the source of water in such system.

REDUCED PRESSURE PRINCIPLE ASSEMBLY: An assembly containing within its structure a minimum of two (2) independently acting, approved check valves, together with an automatically operating pressure differential relief valve located between the check valves. The first check valve reduces the supply pressure by a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks shall be less than the supply pressures. In case of leakage of either check valve, the differential relief valve, by discharge to the atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure. The assembly must include properly located test cocks and tightly closing shut-off valves at each end of the assembly.

REDUCED PRESSURE PRINCIPLE-DETECTOR ASSEMBLY: An assembly composed of an approved reduced pressure principle backflow prevention assembly with a bypass water meter and a meter-sized approved reduced pressure principle device. The meter shall register accurately for very low flow rates and shall register all flow rates.

WATER SUPPLY (APPROVED): Any public potable water supply which has been investigated and approved by the appropriate agency of the State of North Carolina. The system must be operating under a valid health permit.

(c) - Elimination of Cross-Connections

No private water system may be connected in any manner to the public water system unless the requirements of this ordinance and other applicable laws have been satisfied.

Only an approved device can be installed to meet the requirements of this ordinance. The installation of any backflow prevention assembly which is not approved must be replaced with an approved backflow prevention assembly.

(d) - Installation, Testing and Maintenance of Backflow Prevention Assemblies

Upon notification to the customer by the City of Claremont that a backflow prevention assembly is necessary, the customer shall install or caused to be installed entirely at the customer's expense such assembly.

All backflow prevention assemblies shall be installed in accordance with the manufacturer's instructions. Only backflow preventers approved by City of Claremont Public Services Department and meeting the North Carolina State Plumbing Code shall be installed.

Backflow prevention assemblies required by this ordinance shall be installed and maintained above ground, wherever feasible, on the customer's premises as part of the customer's water system. In such cases that the backflow prevention assembly cannot be installed above ground, sufficient drainage shall be furnished to prevent assembly from being submerged in water under all operating conditions.

Ownership, testing and maintenance of the backflow prevention assembly will be the responsibility of the customer. Each assembly required in this ordinance must be functioning properly at all times.

Testing of backflow prevention assemblies shall be conducted by a certified tester (approved by City of Claremont Public Services Department) at the customer's expense. Tests shall be conducted upon installation and annually thereafter with a record of all testing and repairs retained by the customer. A copy of the certified record for each test or repair must be sent to the City of Claremont Public Services Department by such customer within thirty (30) days after the completion of each test or repair. Such records must be maintained on forms provided by the City of Claremont Public Services Department.

Each backflow prevention assembly required under this ordinance must be accessible to the City of Claremont Public Services Department.

When it is not possible to interrupt water service, the customer shall provide for the parallel installation of an approved backflow prevention assembly. The Director or his/her designee will not accept an unprotected bypass around a backflow preventer when the assembly needs testing, repair or replacement.

Any time that repairs to backflow assemblies are deemed necessary by the Director or his/her designee, whether through annual testing or routine inspection by the owner, these repairs must be completed within a time specified in accordance with the degree of hazard. Repairs on a private water system considered by the Director or his/her designee to be an imminent hazard shall be completed within twenty-four (24) hours, a high hazard shall be completed within ten (10) days, and all other repairs within twenty (20) days for any other

private water system. Failure to comply can result in termination of a customer's water service.

Upon determination by the Director or his/her designee that a backflow prevention assembly is required to be installed on a customer's private water system, the customer will be notified in writing of the approved backflow prevention assembly which is required. On existing systems, the customer will have the following time periods within which to install the specified backflow prevention assembly.

Air-gap separation	30 days
Reduced pressure principle assembly (3/4" – 2")	30 days
Reduced pressure principle assembly (2-1/2" and larger)	60 days
Other approved backflow prevention assembly	30 days

The Director or his/her designee may require the installation of the required backflow prevention assembly immediately or within a shorter time period than specified above if they determine that any condition poses an unreasonable threat of contamination to the public water supply system. All devices required for new construction shall be installed and inspected by the duly authorized Plumbing Inspector prior to occupancy. All new construction plans and specifications shall be made available to the Director for approval and to determine the degree of hazard.

Before a backflow preventer is placed in service, a permit and inspection by the duly authorized Plumbing Inspector is required. The plumbing inspector's responsibility begins at the point of delivery downstream of the customer side of the meter and continues throughout the entire length of the consumer's water system. When cross-connections or potential cross-connections are discovered by the plumbing inspector, they shall require a backflow prevention assembly approved by the North Carolina Plumbing Code and the City of Claremont Public Services Department. These incidents shall be reported to the City of Claremont Public Services Department.

The Director shall be notified by the customer when the nature of the use of property changes so as to change the hazard classification of the property if necessary.

(e) - High Hazard Facilities and Methods of Correction

All high hazard facilities must have an approved reduced pressure principle assembly as a minimum containment device.

High hazard facilities include, but are not limited to: any private water system used or designed to pump or which may become pressurized for use with a booster for any reason to the extent that back pressure may occur; any private water system which contains water which has been or is being re-circulated; a building with five or more stories above ground level; brewery; car wash with recycling system; bottling plant; chemical plant; dentist's

office; dry cleaning plant; fertilizer plant; film laboratory; fire sprinkler or standpipe system with chemical additives; hospital, clinic, medical building; irrigation system with chemical additives; laboratory; commercial laundry (except self-service laundry); metal processing plant; morgue or mortuary; nursing home; pharmaceutical plant; power plant; swimming pool; sewage treatment plant; tire manufacturer; veterinary hospital or clinic; restaurants; battery manufacturers; exterminators and lawn care companies; dairies; canneries; dye works; recycling facilities.

If the Director or his/her designee does not have sufficient access to every portion of a private water system to permit the complete evaluation of the degree of hazard associated with such private water system, an approved reduced pressure principle assembly must be installed.

(f) - Moderate Hazard Facilities and Methods of Correction

Moderate hazard facilities include, but are not limited to: fire sprinkler systems without booster pump facilities or chemical additives; connections to tanks, lines and vessels that handle nontoxic substances; lawn sprinkler systems without chemical injection or, booster pumps; all industrial and most commercial facilities not identified as high hazard facilities.

All moderate hazard facilities must have a double check valve assembly as a minimum containment device.

(g) - Lawn Irrigation Systems

All existing lawn irrigation systems must have a double check valve assembly as a minimum containment device.

All proposed lawn irrigation systems will be served through a separate meter and must have a double check valve assembly as a minimum containment device.

(h) - Fire Sprinkler Systems

All unmetered fire sprinkler systems without booster facilities or chemical additives must have a double check-detector check valve assembly as a minimum containment device.

All unmetered fire sprinkler systems with a booster facility or chemical additives must have a reduced pressure principle assembly as a minimum containment device.

(i) - Imminent Hazards

If the Director or his/her designee determines that a customer's private water system constitutes an imminent hazard, such customer shall install a backflow prevention assembly as may be specified by the City of Claremont Public Services Department within

twenty-four (24) hours after notice of the determination. If the customer fails to take corrective measures in a timely manner, or refuses to install the specified assembly, water service to the customer's private water system may be terminated. If the Director or his/her designee is unable to give notice to such customer or his representative within twenty-four (24) hours after the determination that an imminent hazard exists, despite reasonable efforts to provide such notice, the City of Claremont Public Services Department may terminate water service to the private water system until the specified corrected measures are taken. Upon correction of the existing problem and with the inspector's approval, water service will be continued.

(j) - Right of Entry

The Director or his authorized agent shall have the right to enter any building, structure or premises during normal working hours to perform any duty imposed upon him by this ordinance. Duties may include sampling and testing water, or inspections and observations of all piping systems connected to the public water supply. Prior notice will be given unless an imminent hazard has been reported. Refusal to allow entry for these purposes may result in termination of the water service.

At the request of the Director or his/her designee, the customer shall furnish any pertinent information regarding the piping and chemical storage on such property where cross connections are deemed possible.

(k) - Responsibility of Customer

The customer shall be responsible for the elimination of or protection against all cross connections on his/her premises.

The customer shall maintain any backflow prevention assembly within his/her premise in good operating condition.

The customer shall correct any malfunction of the backflow prevention which is revealed by periodic testing.

The customer shall be responsible for the payment of all fees for annual testing, re-testing in the case that the assembly fails to operate correctly, and repairs.

A customer must immediately notify the City of Claremont Public Services Department if the customer has reason to believe that backflow has occurred from the customer's private water system to the public water system.

A customer shall send a copy of all tests within thirty days to City of Claremont Public Services.

(l) - Unapproved Source of Supply

No person shall connect or cause to be connected any supply of water not approved by the State of North Carolina to the public water supply system.

Where a connection to a city water line is made, and the property owner continues to have a well or other source of water, it shall be unlawful for the plumbing serving any building upon such property to be so connected that any water outlet within the building may be served with water from any source other than the city connection, and it shall also be unlawful to have plumbing cross-connected or so installed that water from the city water system or the private water system may in any way become intermingled.

(m) – Enforcement

- (1) The customer or person in charge of any installation found not to be in compliance with the provisions of this ordinance shall be notified in writing with regard to the corrective action(s) to be taken.
- (2) Such notice shall set forth the violation and the time period within which the violation must be corrected. The violation must be corrected within a reasonable time, as specified in the notice, not to exceed thirty (30) days from receipt of the violation notice. If the Director or his/her designee determines that the violation is occurring on a customer's private water system and that such violation has created or contributed to the existence of an imminent hazard, the customer may be required to correct the violation immediately.
- (3) In the event a customer is found in violation of this ordinance and fails to correct the violation in a timely manner or to pay any civil penalty or expense assessed under this section, water services may be terminated, and shall be reestablished when the violation is corrected and any applicable civil penalties are paid. Termination of water service will be without prejudice to the city's ability to assert any other remedy available to the city against the customer or any other person responsible for the violation.
- (4) The violation of any section of this ordinance may be punished by a civil penalty listed as follows:

Each subsequent day that a violation listed in (a.) - (d.) continues shall constitute a separate and distinct offense according to the following schedule:

- a. Unprotected cross-connection involving a private water system which is an imminent hazard - \$1,000/day
- b. Unprotected cross-connection involving a private water system which is high hazard - \$750/day

- c. Unprotected cross-connection involving a private water system which is a moderate hazard - \$500/day
- d. Unprotected cross-connection for which no other civil penalty is prescribed - \$250/day

Each violation listed in (e.) - (j.) shall be considered a one-time violation subject to the following schedule:

- e. Any tester who falsifies records will lose their approved tester status and/or be subject to a \$500 penalty
- f. Submitting incomplete records or failing to submit records may cause the tester to be removed from the approved tester list and/or \$250 penalty
- g. Failing to test backflow prevention assemblies as required - \$100
- h. Failing to maintain backflow prevention assemblies as required - \$100
- i. Any other violation of this ordinance - \$100
- j. The Director may increase any civil penalty assessed under this section by \$100 or fifty percent (50%) of the maximum civil penalty associated with the violation, whichever is greater, for a second violation of the same provision within a two-year period. Water service may be terminated after a third violation of the same provision within a two-year period. Any person violating any provision of this ordinance shall pay to the city all expenses incurred by the city in repairing any damage to the public water system caused in whole or in part by such violation and any expense incurred by the city in investigating such violation. All such expenses are deemed to be part of the civil penalty assessed with the violation.

(5) If not paid within thirty (30) days after notice of imposition of the civil penalty, any civil penalty or penalties imposed by this Section may be recovered by the City from the customer in a civil action in the nature of the debt.

(6) The enforcement remedies provided above are nonexclusive, and the customer may be subject to other remedies, including injunctive relief, as set forth in Sec. 5-2-83 and Sec. 5-2-84 of this Chapter and N.C.G.S. § 160A-175.

(n) - Right of Appeal

Upon notice of the backflow prevention method required, the owner may request a hearing to review the selection process with the City of Claremont Public Services Department personnel. If the owner is dissatisfied with the results of this review, a written request for a hearing must be sent to the Director within ten (10) days of the Departmental review. Within ten (10) days, a formal hearing with the Director will be scheduled. A written response will be issued within ten (10) days after the hearing. The owner shall thereafter have the right of further appeal to the City Council.

other significant pollutants which could backflow into the public water systems.

- (2) To eliminate or control cross-connections, back-flow and back-siphonage or any other source of water or process water used for any purpose whatsoever which may jeopardize the safety of the public potable water supply of the City of Claremont.
- (3) To provide a continuing inspection program of cross-connection control which will systematically and effectively control all actual or potential cross-connections, which may be installed in the future.

(b) – Definitions

AIR GAP SEPARATION: The unobstructed vertical distance through the atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle. An "approved air-gap separation" shall be at least double the diameter of the supply pipe. In no case shall the air gap separation be less than one (1) inch.

APPROVED: In reference to backflow prevention assemblies or methods, those assemblies or methods which have been accepted by the Public Services Director or his/her designee as an effective means or method to prevent backflow.

BACKFLOW: Any flow of water, liquid, gas or other substances, or any combination thereof, into the distribution piping of a potable water supply from any source or sources.

BACKFLOW PREVENTION ASSEMBLY: An approved assembly or method used to prevent backflow from occurring in the potable water supply.

BACK-PRESSURE BACKFLOW: Backflow caused by a pump, elevated tank, boiler, or other means that could create pressure with the system greater than the supply pressure.

BACK-SIPHONAGE BACKFLOW: A reversal of the normal direction flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the backflow source subject atmospheric pressure

CERTIFIED TESTER: A person who has proven his/her competency to test, repair, overhaul and prepare reports on backflow prevention assemblies as evidenced by certification of successful completion of a training program approved by the State of North Carolina. Each person who is certified to make competent tests, or to repair, overhaul, and make reports on backflow prevention assemblies shall be knowledgeable of applicable laws, rules, and regulations. The City of Claremont Public Services Department must approve all Certified Testers prior to use of their services.

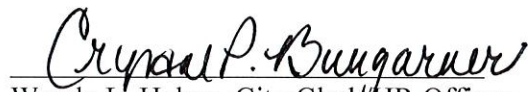
(o) – Limitation of Liability

The city shall not be held liable, for any cause, for failure to detect any unit failing to operate adequately or failure to identify any specific hazard which may result in contamination of its public water supply, nor shall this article diminish the responsibility of any property owner from whose property a contamination of the public water supply may originate.

Adopted this, the 7th day of July, 2025.


Shawn R. Brown, Mayor

ATTEST:


~~Wendy L. Helms, City Clerk/HR Officer~~

APPROVED AS TO FORM:


Robert M. Grant Jr., City Attorney

City of Claremont Public Utilities Cross Connection Control Policy

PURPOSE:

The purpose and intent of this policy is to ensure compliance with applicable North Carolina rules and regulations; specifically, those mentioned in 15A:18C-0406(6). This policy is intended to address those establishments of moderate or higher hazard classification.

DEFINITIONS:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air-gap separation: an unobstructed vertical distance through the atmosphere between the lowest opening from any pipe or faucet supplying water from any source to a tank, plumbing fixture or other device and the flood level rim of the receptacle. An approved air-gap separation shall be at least double the diameter of the supply pipe. In no case shall the air-gap separation be less than one inch. An approved air-gap separation is an effective method to prevent backflow and shall be considered as a backflow-prevention assembly.

Approved: in reference to backflow-prevention assemblies or methods, means those assemblies or methods which have been accepted by the City of Claremont as an effective device or method to prevent backflow.

Assembly: backflow-prevention assembly.

Auxiliary water supply: any water source other than the public water system that is used in conjunction with or is otherwise available to a private water system.

Backflow: any flow of water, other liquid, gas, other substances or any combination thereof into the public water system from any source due to an unprotected cross connection, backpressure, backsiphonage, any combination thereof or any other cause, provided that the following activities by the City of Claremont shall not be construed as backflow:

- (1) The introduction of raw water into a City of Hickory water treatment plant;
- (2) The treatment of such raw water in a City of Hickory water treatment plant; and
- (3) The introduction of such treated water by the City of Hickory into the public water system.

Backflow-prevention assembly: an effective device or method used to prevent backflow. ASCE & USC approved.

Backpressure: any pressure on water, other liquid, gas, other substances or any combination thereof in a private water system that is connected in any manner to the public water system under circumstances in which such pressure is greater than the pressure on the water in the public water system so that backflow may occur.

Backsiphonage: any circumstance in which the pressure on the water in the public water system is less than the atmospheric pressure which causes a sub atmospheric condition on water, other liquid, gas, other substances or any combination thereof in a private water system that is connected in any manner to the public water system so that backflow may occur.

Certified tester: an individual person who has proven his competency to test, repair and overhaul backflow-prevention assemblies of all types and to prepare reports on such assemblies as evidenced by the successful completion of a training program approved by such as that administered by the City of Charlotte.

Containment: the prevention of backflow from a private water system by an approved, properly functioning backflow-prevention assembly which is installed, operated and maintained in accordance with this article.

Contamination: the impairment of the quality of water to a degree that human consumption could result in poisoning or the spread of disease.

Customer: any person who is capable of receiving water from the public water system through the customer's private water system without regard to whether the City of Claremont is aware of the existence of such customer. If such person does not own the private water system, the term "customer" shall also be construed to include the person who owns the private water system.

Customer's potable water system: the private water system through which a customer receives water from the public water system for purposes of human consumption.

Customer's private water system: the private water system through which a customer is capable of receiving water from the public water system.

Degree of hazard: the evaluation of a hazard within a private water system as moderate, high, imminent or existing.

Double-check valve assembly: an approved, properly functioning assembly composed of two, independently acting check valves, including tightly closing shutoff valves attached at each end of the assembly and fitted with properly located testcocks. This assembly may only be used to protect against a moderate hazard.

Existing hazard: an actual contamination of the public water system or a customer's potable water system that could cause illness or death or damage to the physical components comprising the public water system.

High hazard: an actual or potential threat of contamination to the public water system or to a customer's potable water system that could cause serious illness or death.

Imminent hazard: an actual threat of contamination to the public water system that could cause serious illness or death.

Moderate hazard: an actual or potential threat of damage to the physical components comprising the public water system or a customer's potable water system or of pollution to the public water system or to a customer's potable water system.

Pollution: the presence of any substance in water that tends to degrade the quality of such water or adversely affects the usefulness of such water.

Potable water: water from any source which has been approved for human consumption by the appropriate agency of the state and/or county.

Private water system: any pipe, system of pipes or other associated facilities that are not part of the public water system and are used in whole or in part to move or receive water regardless of the source of the water in such system.

Protected cross connection: any physical connection or other condition which does not

permit backflow because containment is achieved.

Public water system: the potable water system owned and operated by the City of Claremont and the water contained therein. This system includes all distribution mains, lines, pipes, connections, storage tanks and other facilities conveying potable water from the water treatment plant to the service connection of each customer.

Reduced-pressure principle assembly: an approved, properly functioning assembly containing two independently acting check valves with a hydraulically operating, mechanically independent pressure-differential relief valve located between the check valves and at the same time below the first check valve. The assembly must include properly located test cocks and tightly closing shutoff valves at each end of the assembly. This assembly is designed to protect against a high hazard or an existing hazard.

Service connection: the terminal end of a complete service connection or, in the absence of a complete service connection, the point at which water leaves the public water system and enters a private water system.

Unapproved water supply: a water supply which has not been approved for human consumption by the appropriate agency of the state and/or county.

Unprotected cross connection: any physical connection or other condition which could permit backflow to occur by any means, including, but not limited to, manipulation of valves, improper functioning of valves or direct discharge. Unprotected cross connection includes any condition in which backflow could occur as a result of the improper functioning of a backflow-prevention assembly.

Unprotected cross connections prohibited.

(a) North Carolina General Statute 15A NCAC 18C .0406

(b) Under this statute, it is unlawful for any person to cause an unprotected cross connection to be made.

(c) It is unlawful for any customer to permit an unprotected cross connection to be made or to remain involving the customer's private water system.

(d) It is unlawful for any customer to fail to maintain in good operating condition any backflow-prevention assembly which is required by this article, and which is part of the customer's private water system.

(e) No private water system may be connected in any manner to the public water system unless the requirements of this article and other applicable laws have been satisfied.

Installation and testing of backflow-prevention assemblies.

(a) All backflow-prevention assemblies must be installed and maintained on the customer's premises as part of the customer's water system at or near the service connection and before the service line from the service connection is connected to any other pipe except as otherwise expressly provided. The purpose of this section is to require that all water flowing from the public water system into a private water system must flow through an approved backflow-prevention assembly and that each backflow-prevention assembly be properly located, installed, maintained and tested so that the backflow-prevention assembly is effective in protecting the public water system from any possible contamination or pollution.

(b) Each backflow-prevention assembly required by this article must be installed in accordance with this article, the manufacturer's installation instructions and such additional instructions as may be provided by the City of Claremont. Reduced-pressure principle assemblies and pressure vacuum breakers must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged under any circumstances.

(c) Each backflow-prevention assembly required by this article must be functioning properly when installed. Each customer must test, maintain and repair each required backflow-prevention assembly which is part of the customer's private water system. Such test as may be prescribed by the City of Claremont must be conducted by a certified tester on each backflow-prevention assembly required by this article at each of the following times:

- (1) Immediately after the installation of each backflow-prevention assembly;
- (2) On a annual basis thereafter;
- (3) Upon completing the repair of each backflow-prevention assembly; and
- (4) At any time that the City of Claremont has reason to believe that a required backflow-prevention assembly may not be operating properly.

Each customer must maintain a complete, written record of every repair and test of a required backflow-prevention assembly which is part of a customer's private water system for at least seven years. A copy of the record for each test or repair must be sent to the City of Claremont by such customer within 30 days after the completion of each test or repair. Such records must be maintained on forms approved by the City of Claremont.

(d) Within thirty days after the installation of each required backflow-prevention assembly in a customer's private water system, the customer must provide such information on the installation and testing of such assembly as the City of Claremont may require. Such information must be provided on a form approved by the City of Claremont.

(e) If a customer does not wish for water service to be interrupted when a backflow-prevention assembly is tested, repaired or replaced, a parallel installation of an approved backflow-prevention assembly must be made in accordance with this article.

(f) Each backflow-prevention assembly required by this article must be accessible to the City of Claremont upon reasonable request.

(g) Each backflow-prevention assembly required to be installed by this article must be approved by the City of Claremont. A list of approved backflow-prevention assemblies must be maintained by the City of Claremont Manual of Practice Standard Detail. The installation of any backflow-prevention assembly which is not approved must be replaced with an approved backflow-prevention assembly.

(h) Upon a determination that a backflow-prevention assembly is required to be installed in a customer's private water system, the customer will be notified, and their professional consultant must specify the selected backflow prevention assembly recommended. The following time periods within which to install the specified backflow-prevention assembly:

TABLE INSET:

Assembly	Number of Days
Air-gap separation	30
Reduced-pressure principle assembly (3/4"--2")	30
Double-check valve assembly (3/4"--2")	30
Reduced-pressure principle assembly (2 1/2" and larger)	60
Double-check valve assembly (2 1/2" and larger)	60
Other approved backflow-prevention assembly	30

Notwithstanding this section, the Director may require the installation of the required backflow-prevention assembly immediately or within a shorter time period than specified in order to protect the public water system from an existing hazard, an imminent hazard or from any other condition posing an unreasonable threat of contamination or pollution to the public water system.

(i) An air-gap separation need not be installed at or near the service connection in all cases but must be installed at a location approved by the City of Claremont in addition to any other backflow-prevention assembly required by this article.

(j) Upon a determination by the City of Claremont that the installation of a backflow-prevention assembly at or near the service connection would create a substantial hardship upon a customer, the City of Claremont may approve the installation of one or more backflow-prevention assemblies at such location as will provide substantially equivalent protection for the public water system.

(k) If repairs are needed to any required backflow-prevention assembly which is part of a customer's private water system, the customer must complete such repairs as soon as possible after learning of the need for such repairs and in any event within thirty days for a private water system which is considered a high hazard and 45 days for any other private water system unless an extension of time is approved by the City of Claremont.

(l) It is unlawful for any person to submit any record to the City of Claremont which is false or incomplete in any material respect. It is unlawful for any person to fail to submit to the City of Claremont any record which such person is required by this article to submit to the City of Claremont.

High hazard.

(a) The activities set forth in this section are a high hazard and require the use of the specified backflow-prevention assembly.

(b) If a tank or a reservoir is filled in whole or in part by water from the public water system, an approved air-gap separation must be installed unless the City of Claremont authorizes the installation of an approved reduced-pressure principle assembly in lieu of an approved air-

gap separation. Before a private water system which is connected in any manner to the public water system may receive water from an auxiliary water supply, an approved air-gap separation must be installed between the auxiliary water supply and the private water system.

(c) An approved reduced-pressure principle assembly must be installed if the private water system is served in any manner by an auxiliary water supply or if the private water system is subject in any manner to contamination by any means as a result of the activities or processes associated with the use of the private water system. Following is a list of facilities, activities or processes which include, but are not limited to, conditions requiring the installation of an approved reduced-pressure principle assembly:

(I) Any private water system used or designed for use with a booster pump, or which may become pressurized for any reason to the extent that backpressure may occur, except as provided in section Moderate Hazard (b) (3).

(II) Any private water system which contains water which has been or is being recirculated.

(III) A private water system, any portion of which is elevated more than 50 feet above any service connection between such private water system and the public water system.

(IV) Bottling plant, brewery.

(V) Carwash with recycling system.

(VI) Chemical plant.

(VII) Dentist's office.

(VIII) Dry cleaning plant.

(IX) Exterminating company.

(X) Fertilizer plant.

(XI) Film laboratory.

(XII) Fire sprinkler or standpipe system with chemical additives.

(XIII) Hospital, clinic, medical building.

(XIV) Irrigation system, with or without chemical additives.

(XV) Laboratory.

(XVI) Commercial laundry, except self-service laundry.

(XVII) Metal processing plant.

(XVIII) Morgue or mortuary.

(XIX) Nursing home.

(XX) Pharmaceutical plant.

(XXI) Power plant.

(XXII) Swimming pool.

(XXIII) Sewage treatment plant.

(XXIV) Tire manufacturer.

(XXV) Veterinary hospital, clinic, office.

(d) An approved reduced-pressure principle assembly must be installed under any of the following circumstances:

- (I) The City of Claremont does not have sufficient access to every portion of a private water system to permit the complete evaluation of the degree of hazard associated with such private water system;
- (II) The use of the premises containing a private water system is not known; or
- (III) The premises containing a private water system is used by two or more nonresidential tenants.

Moderate hazard.

(a) The activities set forth in this section are a moderate hazard and require the use of the specified backflow-prevention assembly.

(b) An approved double-check valve assembly must be installed if the private water system is subject in any manner to pollution by any means as a result of the activities or processes associated with the use of the private water system. Following is a list of facilities, activities and processes which include, but are not limited to, conditions requiring the installation of an approved double-check valve assembly:

- (I) Nonresidential building or structure which is not a high hazard.
- (II) Distillery.
- (III) Fire sprinkler or standpipe system without chemical additives with or without booster pumps.
- (IV) Gas station.
- (V) Mobile home park.
- (VI) Restaurant.
- (VII) School.
- (VIII) Self-service laundry.

(c) An approved double-check valve assembly must be installed in every private water system for which no other backflow-prevention assembly is otherwise specified.

Imminent hazard; existing hazard.

(a) If the City of Claremont determines that a customer's private water system constitutes an imminent hazard, such customer shall install such backflow-prevention assembly as may be specified by the City of Claremont within 24 hours after notice of the City of Claremont's determination. If the customer fails to install the specified assembly in a timely manner or refuses to install the specified assembly, water service to the customer's private water system may be terminated. If the City of Claremont is unable to give notice to such customer within 24 hours after the determination that an imminent hazard exists, despite reasonable efforts to provide such notice, the City of Claremont may terminate water service to such private water system until the specified assembly is installed.

(b) If the Director determines that a customer's private water system constitutes an existing hazard or is a source of contamination in the public water system, the Director may terminate water service to the customer immediately without notice until the customer installs such

backflow-prevention assembly as may be specified by the Director. The Director shall notify the customer as soon as reasonably possible of such determination, the termination of water service and the assembly that must be installed before water service can be restored.

Determination of degree of hazard.

(a) No complete service connection may be installed until the City of Claremont has been provided with such information as is reasonably necessary to determine the degree of hazard associated with the private water system to be connected to the public water system and a determination has been made of the appropriate backflow-prevention assembly which must be installed. This shall normally be performed during plan review.

(b) No customer may modify or permit the customer's private water system to be modified in a manner which would affect the degree of hazard of such system until the City of Claremont has been provided with information that is reasonably necessary to determine if the degree of hazard and the appropriate backflow-prevention assembly associated with such system are affected by the proposed modification or change. If such modification or change is determined by the City of Claremont to require the installation of a different backflow-prevention assembly, the required backflow-prevention assembly must be installed in accordance with this article prior to making the proposed modification or change.

Right of entry.

(a) Authorized employees of the City of Claremont have the right to enter any property having a private water system which is served in any manner by the public water system. Such entry shall be made at reasonable times and for the purposes of inspecting and observing the private water system, testing and sampling of the water from such system and discharging any other duty which may be imposed upon the City of Claremont by this article. If a customer does not permit an authorized employee of the City of Claremont to undertake and complete any inspection, observation, test, sample or other duty of the employee concerning the customer's private water system such being reasonably required, service to the customer's private water system from the public water system may be terminated.

(b) At the request of the City of Claremont, a customer shall provide information that is reasonably necessary to determine the degree of hazard of the customer's private water system, all connections of the private water system to the public water system and any other information reasonably necessary to enforce this article.

Notice of contamination or pollution.

(a) A customer must immediately notify the City of Claremont if the customer's potable water system is contaminated or polluted.

(b) A customer must immediately notify the City of Claremont if the customer has reason to believe that backflow has occurred from the customer's private water system to the public water system.

Responsibility of customer.

(a) A customer is responsible for bringing into compliance with this article every portion of the customer's private water system.

(b) A customer shall be responsible for complying with this article, notwithstanding the fact that one or more of the following conditions exist:

- (1) Water service to the customer has not been turned on;
- (2) Water service to the customer has been turned off; or
- (3) The customer is not receiving any water from the public water system.

A customer's responsibility to comply with this article shall not terminate until the City of Claremont causes the complete service connection of the customer to be removed that the customer is no longer capable of receiving water from the public water system. The customer shall be responsible for complying with this article if the customer's private water system is reconnected in any manner to the public water system.

(c) If a customer does not own the customer's private water system and does not have the authority to bring the customer's private water system into compliance with this article, any remedy available to the city because such private water system does not comply with this article may be asserted against the customer, any person owning or otherwise controlling the customer's private water system or jointly against such customer and such person.

Violations.

(a) A written notice of violation must be given to any person who is determined to be in violation of any section of this article.

(b) Such notice must set forth the violation and the time period within which the violation must be corrected. The violation must be corrected within a reasonable time, not to exceed 60 days from receipt of the notice. If the City of Claremont determines that the violation is occurring on a customer's private water system and that such violation has created or contributed to the existence of an imminent hazard, the customer may be required to correct the violation immediately.

(c) Water service may be terminated to a customer if the violation was intentional, or the customer fails in a timely manner to correct a violation or to pay any civil penalty or expense assessed under this section. Termination of water service will be without prejudice to the city's ability to assert any other remedy available to the city against the customer or any other person responsible for the violation.

(d) Any person violating any section of this article must pay to the city all expenses incurred by the city in repairing any damage to the public water system caused in whole or in part by such violation and any expense incurred by the city in investigating such violation.

(e) The director will reduce any penalty imposed under this section by one-half if the violation is corrected in a timely manner.

(f) From and after the expiration of the time period specified by the City of Claremont for correcting a violation of this article, each subsequent day that the violation continues in existence shall constitute a separate and distinct offense.

Alternative backflow-prevention assembly.

Any customer may satisfy the sections of this article concerning the installation of an approved backflow-prevention assembly by installing the specified assembly or any assembly offering a greater degree of protection to the public water system if the City of Claremont approves such installation in writing.

Certain residential uses excluded.

(a) Except as set forth in subsection (b) of this section, this article shall not apply to any private water system so long as the following conditions are satisfied: the system serves no more than two residential units through a single service connection and is not used at any time for any purpose which constitutes a high or moderate hazard. A swimming pool which is an accessory use to a single-family residence will not constitute a condition requiring the installation of a backflow-prevention assembly. Any private water system which does not satisfy the conditions of this section on a continuous basis and is connected in any manner to the public water system shall be subject automatically to all sections of this article.

(b) The following sections of this article shall be fully applicable to any private water system which is connected in any manner to the public water system: sections Determination of degree of hazard through Notice of contamination or pollution.

Enforcement.

The administration and review of this program is shared by and carried out mutually by:

(a) City of Claremont Public Services Department

(b) City of Claremont Fire Department