

**Section 830 - Natural Gas Regulations**

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

**Subdivision 1 Natural Gas Board.** The “Natural Gas Board” is the board consisting of two City Council Members (appointed by the City Council) and the City Administrator.

**Subdivision 2 Utility.** “Utility” means all natural gas services, whether the same be publicly-owned facilities or furnished by public utility companies.

**Subdivision 3 Municipal Gas.** “Municipal Gas” is any publicly-owned natural gas system.

**Subdivision 4 Company, Grantee or Franchisee.** “Company,” “Grantee” or “Franchisee” is any public natural gas system to which a franchise has been granted by the City.

**Subdivision 5 Consumer or Customer.** “Consumer” or “Customer” is any user of a natural gas.

**Subdivision 6 Service.** “Service” means providing natural gas to a customer or consumer. (Ord. 05-11-21-02, passed 11-21-05)

**830.02 Fixing Rates and Charges for Natural Gas.** All rates and charges for municipal gas, including, but not by way of limitation, fixed rates, usage fees, rates for service, permit fees, connection and meter-reading fees, disconnection fees, reconnection fees, including penalties for non-payment if any, shall be fixed, determined and amended by the Natural Gas Board. Minutes of the Board meeting will be kept on file and open to the public for inspection in the City Administrator's office. (Ord. 05-11-21-02, passed 11-21-05)

**830.03 Rules and Regulations Relating to Municipal Natural Gas.**

**Subdivision 1 Application, Connection and Sale of Service.** Application for municipal gas services shall be made upon forms supplied by the City. No connection shall be made until consent has been received from the City to make the same. All municipal gas shall be sold and delivered to consumers under the then-applicable rates applied to the amount of the gas taken, as metered or ascertained in connection with the rates.

**Subdivision 2 Discontinuance of Service.** All municipal gas may be shut off or discontinued whenever it is found that:

- a) The owner or occupant of the premises served, or any person working on any connection with the municipal gas system, has violated any requirement of the City Code relative thereto or any connection therewith;

## Natural Gas Regulations

- b) Any charge for a municipal gas service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after due notice thereof;
- c) There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefor; or
- d) A duly authorized employee of the City has been denied access to the premises for meter reading, inspection or repair.
- e) A dangerous condition exists, where the City has reasonable evidence that gas service is being obtained by a potentially unsafe device or unsafe condition interfering with the proper metering of the City's service.

**Subdivision 3 Right of Entry.** Employees of the City have the right to enter in and upon private property, including buildings and dwelling houses, in or upon which is installed a municipal gas service, or connection therewith, at all times reasonable under the circumstances, for the purpose of reading utility meters, for the purpose of inspection and repair of meters or a gas system or any part thereof, and for the purpose of connecting and disconnecting service. The right of entry is a condition to furnishing gas service. If entry is refused, an employee may obtain an administrative search warrant to gain entry.

### **Subdivision 4 Unlawful Acts.**

- a) It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture or appurtenance of any municipal gas system, or commit any act tending to obstruct or impair the use of any municipal gas.
- b) It is unlawful for any person to make any connection with, opening into, to use or alter in any way any municipal gas system, without first having applied for and received written permission to do so from the City.
- c) It is unlawful for any person to turn on or connect to natural gas, when the same has been turned off or disconnected by the City for non-payment of a bill, or for any other reason, without first having obtained a permit to do so from the City.
- d) It is unlawful for any person to “jumper” or by any means or device to fully or partially circumvent a municipal gas meter, or to knowingly use or consume unmetered gas or to use the services of any gas system, the use of which the proper billing authorities have no knowledge.
- e) It is unlawful for any person to intentionally prevent, hinder or delay an employee of the City, acting in the performance of his or her duties, from reading a gas meter,

inspecting or repairing a gas system or a connection therewith, or connecting or disconnecting a gas service.

#### **Subdivision 5 Shutoff for Non-Payment.**

a) The City shall endeavor to collect delinquent accounts promptly. In any case where satisfactory arrangements for payment have not been made, the City may, after the procedural requirements of Section b) of this subdivision have been complied with, discontinue service to the delinquent customer by shutting off the gas service. When gas service to any premises has been discontinued, service shall not be restored, except upon the payment of all delinquent amounts due, plus a fee for disconnection and reconnection, as set in the fee schedule adopted from time to time by the Natural Gas Board.

b) **Procedure.** Gas service shall not be shut off under Section a) of this subdivision until notice and an opportunity for a hearing have first been given to the occupant of the premises involved. The notice shall state that if payment is not made before the date stated in the notice, but not less than 10 days after the notice is given, the gas service to the premises will be shut off. The notice shall also state that the occupant may, before such date, demand a hearing on the matter, in which case the supply or service shall not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the Council no later than one week after the date on which the request was made. If, as a result of the hearing, the Council finds that the amount claimed to be owing is actually due and unpaid, and that there is no legal reason why the gas service of the delinquent customer may not be shut off in accordance with this Section, the City may shut off the supply or service. Gas service shall not be discontinued during the "Cold Weather Rule," except as provided for in M.S. 216B, and 216B.097.

#### **Subdivision 6 Municipal Utility Charges a Lien.**

a) Payment for service and charges provided for herein shall be the primary responsibility of the owner of the premises served, and shall be billed to him or her, unless otherwise authorized in writing by the tenant and owner, and consented to by the City. The City may collect the same in a civil action or, in the alternative and at the option of it, as otherwise provided in this subdivision. In any case, the owner shall be ultimately liable for gas service supplied to his or her property.

b) Each charge is hereby made a lien upon the premises served. Delinquent accounts shall be certified by the Clerk-Treasurer/Administrator, who shall prepare an assessment roll each year, providing for assessment of delinquent amounts against the respective property served. The assessment rolls shall be delivered to the Council for adoption on or before October 01 of each year. Upon its adoption, the Clerk-Treasurer/Administrator shall certify the assessment roll to the County Auditor.

The amount so certified shall be extended by the Auditor on the tax rolls against the premises in the same manner as other taxes, and collected by the County Treasurer and paid to the City along with other taxes.

**Subdivision 7 Other Provisions.**

a) The City retains the right, but does not assume the duty, to inspect the customer's installation at any time, and will refuse to commence or to continue service whenever it does not consider such installation to be in safe or good operating condition, but the City does not in any event assume any responsibility whatever in connection with such matters.

b) The customer shall protect the City's piping and apparatus on customer's premises, and shall permit no one except the City's agents or person authorized by law to inspect or handle same. In the event of any loss or damage to such property of the City caused by or arising out of carelessness, neglect, misuse, or accumulation by customer or other unauthorized persons, the cost of making good such loss or repairing such damage shall be paid by the customer. Customer shall also be responsible for repairs or replacement of any meter damaged by an accumulation of ice and snow.

c) The City will use reasonable care to provide an uninterrupted and regular supply of service to its customers. It does not assume direct liability for losses or damage to persons or property due to its service, or as a result of failure of the service, interruption or variation because of an Act of God, labor dispute, or any causes beyond the City's control.

d) The City shall not be liable for any losses, injuries or damage to persons or property due to disconnection of service. The City reserves the right, without incurring any liability therefor, to curtail or temporarily interrupt the customer's service, when necessary to make repairs, replacement or changes to the City's facilities, either on or off the customer's premises. The City will make an effort to notify its customers in advance of a planned interruption of service.

**Subdivision 8 Penalties.**

a) Any person found to be violating any provisions of this Section shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the time period stated in such notice permanently cease all violation.

b) Any person who shall continue any violation beyond the time limit provided for in the written notice shall be guilty of a misdemeanor and, on conviction thereof, shall be fine or imprisoned, or both, not to exceed the maximum penalty authorized for a misdemeanor by State law for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(Ord. 05-11-21-02, passed 11-21-05)

**Section 835 - Connection to the City Water Supply System**

**835.01 Definitions.** Unless the context clearly indicates otherwise, the following words and terms shall have the meaning set forth below:

**Subdivision 1 Person.** "Person" shall mean any natural person, or partnership, or association, private or public corporation.

**Subdivision 2 Private Water Supply System.** "Private Water Supply System" shall mean a system owned and operated by a person for collection and delivery of piped water for human consumption into commercial, industrial, or residential building or structures.

**Subdivision 3 Public Water and Supply System.** "Public Water and Supply System" shall mean the City of Eagle Bend water supply system.

**835.02 Private Water Supply Restriction.** No person shall build, establish, expand or maintain a private water supply system within the City of Eagle Bend unless there shall be no public water supply system within three hundred (300) feet from the point on property of such person which is nearest the public water supply system.

**835.03 Effective Date.** This Section shall be effective upon its publication. Any private water supply system which is in place and operational as of that date shall not be subject to this Section.

**835.04 Private Water Supply Permit.** Any person who shall have applied to the appropriate state agencies for permits to build and establish a private water supply system by December 01, 2020 shall not be subject to this Section for the water system so applied for provided:

- a) Such person diligently pursues such application; and
- b) Such person commences construction of such system within ninety (90) days after obtaining such permits.

**835.05 Penalty.**

**Subdivision 1** Each day any person is in violation of this Section shall constitute a separate offense.

**Subdivision 2** Any violation of this Section shall constitute a misdemeanor punishable by the misdemeanor fines and penalties set forth in Minnesota Statutes, Section 609.02, Subdivision 3, as may be amended from time to time.

(Am. Ord. 21-03-15-01, passed 3-15-21)

**Section 840 - Private Wells**

**840.01 Private Wells Unlawful.**

**Subdivision 1** It shall be unlawful for any person to install a new private well intended to be used to withdraw more than ten thousand (10,000) gallons of water per day or one million (1,000,000) gallons per year, or otherwise requiring receipt of a water use (appropriation) permit from the Minnesota Department of Natural Resources, within the City limits.

**Subdivision 2** It shall be unlawful for any person to install a new private well, regardless of the amount of water intended to be withdrawn from such well, on any lot within City limits that has reasonable access to City water service. New private wells may be allowed on lots without reasonable access to City water service upon proof that a permit for such well has been issued by the Minnesota Department of Health. For such purposes, a lot within three hundred (300) feet of the City water system shall be deemed to have a reasonable access to water service.

**Subdivision 3** No building or zoning permit will be issued for new construction on a lot with access to City water service until such service is connected, or assurance of such connection is provided to the City Council's satisfaction.

**Subdivision 4** Existing private wells within City limits on property with reasonable access to the City water system which are not used solely for ground irrigation watering shall be sealed at the property owner's expense in accordance with Minnesota Department of Health requirements.

**Subdivision 5** No pipe or other facilities of the City water system shall be connected with any private pump, well, or tank receiving water from any source other than the City system.

**840.02 Penalty.** Any violation of this Section shall be considered a misdemeanor punishable by the misdemeanor fines and penalties set forth in Minnesota Statutes, Section 609.02, Subdivision 3, as may be amended from time to time.

(Am. Ord. 21-03-15-02, passed 3-15-21)

**Section 845 - Potable Water Systems**

**845.01 Background.** The United States Congress enacted the Safe Drinking Water Act (PL 93-532) into law on December 16, 1974. Minnesota achieved primacy for the Safe Drinking Water Act in 1976. Minnesota State Statutes place responsibility for compliance with the Safe Drinking Water Act on the water purveyor through the Department of Health. The Safe Drinking Water Act and its regulations cover all potable water systems and states that "minimum protection should include programs that result in the prevention of health hazards, such as cross connections."

**845.02 Purpose.**

The purpose of this specification is:

- a) To carry out the requirements of the Safe Drinking Water Act (PL 93-532) and the related provisions of Minnesota Statutes, Chapter 144 and Minnesota Rules, Chapters 4720.
- b) To protect the municipal potable water supply of the City of Eagle Bend, Minnesota from the possibility of contamination or pollution of the potable water system(s) under the direct authority of the City of Eagle Bend.
- c) To promote the elimination or control of existing cross connections, actual or potential, between the customer's potable water system(s) and another environment containing substance(s).
- d) To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water system(s) under the direct authority of the City of Eagle Bend.
- e) To fulfill the requirements of the Minnesota Plumbing Code, Minnesota Rules Chapter 4714.

**845.03 Responsibility.**

**Subdivision 1** The City of Eagle Bend shall be responsible for the protection of the potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants. If, in the judgment of the City of Eagle Bend or authorized personnel, an approved means of backflow prevention is required (in the customer's water service; or within the customer's private water system) for the safety of the water system, the City shall give notice in writing to said customer to install an approved means of backflow prevention at a specific location(s) on the customer's premises. The customer shall immediately install an 4 - 14 approved means of backflow prevention at the customer's own expense; failure, refusal or inability on the part of the customer to install, have tested, maintain or repair such, shall constitute grounds for disconnecting water service to the premises until such requirements have been satisfactorily met.

**Subdivision 2 Cross Connection Control Program.** The City of Eagle Bend, which is the authority having jurisdiction in charge of the "municipal" water system is vested with authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this specification.

**845.04 Definitions.** The following definitions shall apply to this specification. These definitions shall be used in conjunction with definitions and guidelines of the Minnesota Plumbing Code and Minnesota Statutes, Chapter 4714, as they may be amended from time to time.

**Subdivision 1 Air Gap.** "Air Gap" means a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open and non-pressure receiving vessel.

**Subdivision 2 Approved.** "Approved" as herein used in reference to a water supply shall mean a water supply that has been approved by the Minnesota Department of Health. The term "approved" as herein used in reference to an air gap, pressure vacuum breaker assembly, a double check valve assembly, a reduced pressure principle backflow prevention assembly or other backflow prevention assemblies, devices or methods shall mean any such assembly, device or method approved by the State of Minnesota Plumbing Code, Department of Health and the City and its authorized personnel.

**Subdivision 3 Approved Air Gap.** "Approved Air Gap" means a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open and non-pressure receiving vessel which shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the fixture, but in no case less than one (1) inch.

**Subdivision 4 Atmospheric Vacuum Breaker (AVB).** "Atmospheric Vacuum Breaker (AVB)" means a device that performs similarly to a pressure vacuum breaker assembly. The AVB consists of a float check, a check seat, and an air inlet port. During normal flow conditions the float within the AVB seals against the air inlet seat. When a backsiphonage condition develops the cessation of normal flow permits the float to drop, thus opening the air inlet valve. If the float seals against a check seat there is no backsiphonage from the AVB body or downstream piping. However, if the float check is fouled, the air entering through the air inlet valve dissipates.

**Subdivision 5 Auxiliary Water Supply.** "Auxiliary Water Supply" means any water supply on or available to the premises other than the water supply of the City of Eagle Bend. These auxiliary waters may include water from another city's water utility or public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, and the like, or used water of 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.

**Subdivision 6 Backflow.** "Backflow" means the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source(s).

**Subdivision 7 Backflow Preventer.** "Backflow Preventer" means a means designed to prevent backflow.

**Subdivision 8 Backpressure.** "Backpressure" means any elevation of pressure in the downstream piping system (i.e. pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of consideration, which would cause, or tend to cause, a reversal of the normal direction of flow.

**Subdivision 9 Backsiphonage.** "Backsiphonage" means a form of backflow due to a reduction in system pressure, which causes a sub atmospheric pressure to exist at a site in the water system.

**Subdivision 10 Backsiphonage Backflow Vacuum Breaker (SVB).** "Backsiphonage Backflow Vacuum Breaker (SVB)" means a type of cross connection control assembly which contains a check valve force-loaded closed and an air inlet vent valve force-loaded open to the atmosphere, positioned downstream of the check valve, and located between and including two (2) tightly closing shutoff valves and two (2) test cocks.

**Subdivision 11 Containment - Potable Water Service Protection.** "Containment - Potable Water Service Protection" means the appropriate type or method of backflow protection in the water service commensurate with the degree of hazard of the customer's water system. (See also Isolation)

**Subdivision 12 Contamination.** "Contamination" means an impairment of the quality of the water creating an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, or toxic solutions.

**Subdivision 13 Cross Connection.** "Cross Connection" means any unprotected actual or potential connection or structural arrangement between a municipal or a consumers private potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gases, solids or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross connections.

a) **Direct Cross Connection.** "Direct cross connection" means a cross connection which is subject to both backsiphonage and backpressure.

b) **Indirect Cross Connection.** "Indirect cross connection" means a cross connection which is subject to backsiphonage only.



**Subdivision 14 Controlled Cross Connections.** "Controlled Cross Connections" means a connection between a potable water system and a non-potable water system with an approved means of backflow prevention properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

**Subdivision 15 Customer.** "Customer" means the owner (i.e., building or property owner) of the water system(s) supplied by the City of Eagle Bend.

**Subdivision 16 Degree of Hazard.** "Degree of Hazard" means a pollutional (non-health) or contamination (health) hazard and is derived from the elevation of conditions within a system.

a) **Health Hazard.** "Health Hazard" means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system of the customer's potable water system that would be a danger to health (i.e., contamination).

b) **Plumbing Hazard.** "Plumbing Hazard" means an internal or plumbing type cross connection in a customer's potable water system that may be either a pollutional or a contamination type hazard. This includes but is not limited to cross connections in toilets, sinks, lavatories, wash trays and lawn irrigation systems. Plumbing type cross connections can be located in many types of structures including homes, apartment houses, hotels, commercial and industrial establishments. Such a connection, if permitted to exist, must be properly protected by an appropriate means of backflow prevention.

c) **Non-Health Hazard.** "Non-Health Hazard" means an actual or potential threat to the physical properties of the water system or the portability of the public or the customer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance, be aesthetically objectionable or could cause minor damage to the system or its appurtenances (added parts).

d) **System Hazard.** "System Hazard" means an actual or potential threat of severe damage to the physical properties of the water system (public or customer's potable water system) or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

**Subdivision 17 Double Check Valve Backflow Prevention Assembly.** "Double Check Valve Backflow Prevention Assembly" means an assembly composed of two (2) independently acting approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. This assembly shall only be used to protect against a non-health hazard (i.e., pollutant).

**Subdivision 18 Industrial Fluids.** "Industrial Fluids" means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, non-health or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated used waters, all types of process waters and "used waters" originating from the public potable water system which may deteriorate in sanitary quality, chemicals in fluid form, plating acids and alkalis, circulating cooling treated or stabilized with toxic substances, contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, and the like, oils, gases, glycerin, paraffins, caustic and acid solutions or other liquid and gaseous fluids used industrially for other purposes including firefighting purposes.

**Subdivision 19 Isolation or Point of Use.** "Isolation" or "Point of Use" means the appropriate type or method of backflow protection at all potable water outlets commensurate with the degree of hazard to the customer's potable water system.

**Subdivision 20 Non-Potable Water.** "Non-Potable Water" means water not safe for drinking, personal or culinary use.

**Subdivision 21 Pollution.** "Pollution" means an impairment of the quality of the water to a degree which does not create a hazard to the public health but which does adversely and unreasonably effect the aesthetic qualities of such waters for domestic use.

**Subdivision 22 Potable Water.** "Potable Water" means water that is: safe for human consumption, personal or culinary use; and free from impurities in amounts sufficient to cause disease or harmful physiological effects.

**Subdivision 23 Pressure Vacuum Breaker (PVB).** "Pressure Vacuum Breaker (PVB)" means an assembly which consists of an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve, with properly located resilient seated test cocks and tightly closing resilient seated shutoff valves attached at each end of the assembly.

**Subdivision 24 Rebuild.** "Rebuild" when used in reference to a Reduced Pressure Principle (RPZ) backflow prevention assembly shall consist of replacing all of the spring and rubber parts within the device. Both spring and rubber repair kits are required.

**Subdivision 25 Reduced Pressure Principle Backflow Prevention Assembly.** "Reduced Pressure Principle Backflow Prevention Assembly" means an assembly containing two (2) independently acting approved check valves together 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 unit shall include properly located resilient seated test cocks and tightly closing resilient shutoff valves at each end of the assembly. This assembly is used to protect against a non-health (i.e., pollutant) or a health hazard (i.e., contaminant).

**Subdivision 26 System Drain.** "System Drain" means a hose bibb or boiler cock that is used exclusively to blow out or drain a water system for frost conditions or maintenance.

**Subdivision 27 Water User.** "Water User" means the person(s) that will be consuming or using the water at the point of use, (i.e., consumer).

**845.05 Requirements.**

**Subdivision 1 Policy and Backflow Prevention Requirements.**

a) No water service to any premise or property ("premises") shall be allowed by the City unless the water supply is protected as required by the State of Minnesota Department of Health, Chapters 4720 and 4714, and all other applicable state statutes and regulations, City of Eagle Bend water main material and installation specifications, AWWA Manual M14 and City ordinances. Service of water to any premise shall be discontinued by the City if the means of backflow prevention required by this specification is not installed, tested, maintained and repaired, or if it is found that a means of backflow prevention has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

b) The customer's water supply system shall be open for inspection at all reasonable times to authorized representatives of the City to determine whether unprotected cross connections or other structural or sanitary hazards, including violations of these regulations exist. When such a condition becomes known, the City shall immediately notify the customer of the violation, ensure that corrective action is taken in a punctual manner or shall deny or immediately discontinue water service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with Minnesota law and this specification.

c) It shall be the responsibility of the customer to assume the cost for the installation, testing, repair and maintenance of the backflow assembly as required by this section and the Minnesota Rules, Chapter 4714 and all other referenced materials. An accredited tester certified by the Department of Labor and Industry as a backflow prevention rebuilder or a backflow prevention tester shall perform all required backflow assembly testing.

**Subdivision 2 Water System.**

a) The water system shall be considered as made up of two (2) parts: The City's water system and the customer's water supply system.

b) The City's water system shall consist of the source of the water, the facilities and distribution system; and shall also include all those facilities of the water system under the control of the City.

- c) The source of the water 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 from the source to the customer's system.
- e) The customer's system shall include those parts of the facilities beyond the termination of the City's distribution system, which are utilized in conveying potable water to points of use.

### **Subdivision 3 Special Backflow Assembly Requirements.**

- a) **Backflow Assembly Required.** An approved means of backflow prevention shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line whenever the following conditions exist:

- (1) In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the State of Minnesota Department of Health, the City's water system shall be protected against backflow from the premises by installing an approved means of backflow prevention in the service line commensurate with the degree of hazard.

- (2) In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the City's water system, the City's water system shall be protected against backflow from the premises by installing an approved means of backflow prevention in the service line commensurate with the degree of hazard. This shall include the handling of process waters and waters originating from Eagle Bend distribution system which have been subject to deterioration in quality.

- (3) In the case of premises having either internal cross connections that cannot be corrected and protected, or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes thereby making it impractical or impossible to ascertain whether dangerous cross connections exist, the City's water system shall be protected against backflow from the premises by installing an approved means of backflow prevention in the service line.

- b) **Type of Required Backflow Assembly.** The type of protective backflow prevention assembly required shall depend upon the degree of hazard which exists as defined below:

- (1) In the case of any premise where there is an auxiliary water supply not subject to the following rules, the City's water system shall be protected by an approved

air gap or an approved reduced pressure principle backflow prevention assembly.

(2) In the case of any premise where there is water or substance that would be objectionable but not hazardous to health if introduced into the City's water system, an approved double check valve backflow prevention assembly shall protect the City's water system.

(3) In the case of any premise where there is any material dangerous to health, which is handled in such a fashion as to create an actual or potential hazard to the City's water system, the City's water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include, but are not limited to sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, health care facilities (i.e.; clinics, medical centers, health centers, nursing homes, etc.) mortuaries, plating plants, agricultural facilities (i.e., farms), chemical or fertilizer plants, and the like.

(4) In the case of any premise having multiple violations where there have been unprotected cross connections, either actual or potential, and/or where there are a number of plumbing or piping changes occurring, the City's water system shall be protected by an approved air gap or an approved reduced pressure principle backflow assembly at the service connection directly off of the main ahead of all customer connections.

(5) 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 on-premise cross connection survey, either an approved air gap or an approved reduced pressure principle backflow assembly on each service to the premises shall protect the City's water system.

(6) Means of backflow prevention application will be determined by the degree of hazard in accordance with Minnesota Plumbing Code, Section 603.2 and other relevant provisions of Minnesota Rules, Chapter 4714.

(7) All presently installed backflow prevention assemblies installed as of the date of adoption of this Section which do not meet the requirements of these specifications but were approved backflow protection for the purposes described herein at the time of installation and which have been properly tested, repaired and maintained, shall except for the testing, repair and maintenance requirements under this Section, be excluded from the requirements of these rules, so long as the City is assured that they will satisfactorily protect the potable water systems. Whenever the existing backflow preventer is moved from the present location or requires more than minimum maintenance or when the City finds that the installation constitutes a hazard to health, the backflow preventer shall be replaced by an approved means of backflow prevention meeting the requirements of these specifications.

(8) Any means of backflow prevention required herein shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association (AWWA) and by the American Society of Sanitary Engineering (ASSE) and have met completely the laboratory and field performance specifications of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California (USC FCCCHR) established in: Specifications of Backflow Prevention Assemblies - Section 10 of the most current Edition of the Manual of Cross Connection Control.

(9) The City hereby adopts AWWA/ASSE and USC FCCCHR Standards and Specifications. A "Certificate of Compliance" for the said AWWA/ASSE standards shall evidence final approval; or "Certificate of Approval" for the said USC FCCCHR specifications issued by an approved testing laboratory.

c) It shall be the responsibility of the customer to label all system drains that have threaded connections with the words "DRAIN ONLY". The tags or labels must be waterproof and have legible letters at least one (1) inch in height.

**Subdivision 4 Customer Responsibilities.**

a) It shall be the duty of the customer at any premise where backflow prevention assemblies are installed to have a field test performed by an accredited backflow prevention assembly tester upon installation and at the required annual intervals thereafter. The City may require field tests at more frequent intervals as individual circumstances may indicate.

(b) It shall be the responsibility of the customer to assume the cost for the installation, testing, repair and maintenance of the backflow assembly which shall be performed by individuals appropriately certified by the Minnesota Department of Labor and Industry.

(c) The water customer may be required to notify the City in advance when tests are to be undertaken so that a City representative may witness the field tests, if so desired. The water customer would be informed, in advance, if such action were to occur. If notification is requested and not provided, the City may require retesting of the assembly.

**Subdivision 5 Installation, Testing and Maintenance.**

a) All backflow assemblies must be tested upon installation, at the required annual intervals thereafter per State of Minnesota Plumbing Code and/or the manufacturer's minimum recommended interval. The City may require field tests at more frequent intervals as individual circumstances may indicate (i.e., high hazards, high incidence of field test failures, frequent internal plumbing changes, etc.).

b) The customer is required to have all testable backflow prevention assemblies tested at intervals not to exceed twelve (12) months from the date of the previous test date and

shall be submitted to the testing managing agent no more than thirty (30) days after the test date.

c) The customer is required to have any Reduced Pressure Principle (RPZ) backflow prevention assemblies rebuilt at intervals not to exceed five (5) years. The rebuild must be completed by a licensed plumber per State of Minnesota Plumbing Code.

d) The City or its authorized representative will notify in writing each water customer that is delinquent in submitting their annual backflow prevention assembly tests. This written notice shall give the water customer a maximum of thirty (30) calendar days to have the assembly tested and test results submitted to the City.

e) **Second Notice.** A "Second Notice" shall be sent to each water customer who does not have the backflow prevention assembly tested as prescribed in the first written notice within the thirty (30) calendar day period allowed. The "Second Notice" will give the water customer a period of fifteen (15) calendar days to have the assembly tested and the completed report submitted.

f) If the water customer takes no action within the fifteen (15) calendar day grace period, the City may terminate water supply to the water customer until the said assembly is tested. The water customer will be required to pay fees found in the City fee schedule if it is necessary to terminate the water service and reinstate the service.

g) The company or tester doing the testing and the water customer shall keep records of tests, repairs and maintenance. The approved testing company shall provide the records of such tests to the City and water customer upon completion. Records shall be provided to the City in the form and manner required by the City. The City and the water customer shall maintain these records for a minimum of seven (7) years and make them available upon request.

#### **Subdivision 6 On-Premise Cross Connection Control Survey/Inspection.**

a) The City shall require an on-premise survey to evaluate cross connection hazards, as per these specifications.

b) The City or its authorized representative shall provide written notice of the survey to the water customer and collectively determine a date and time acceptable to both to conduct the survey.

c) The City and the water customer shall be notified of the survey findings, listing the degree of hazard and the corrective actions to be taken, if any are required. A reasonable period of time shall be given to complete all backflow prevention. Documentation of completion of corrective actions/changes must be provided to the City.



d) The City, at its discretion, may require a re-inspection for cross connection control hazards of any premise to which it serves water because of repiping, plumbing remodeling or additions to existing piping for reasons that may permit a hazard to the potable water system(s).

**Subdivision 7 Commercial Fire Protection System Requirements.**

a) The following applies to commercial fire protection systems and the requirement of NFPA 13, NFPA 13R and Minnesota Plumbing Code, Minnesota Rules, Part. 4714.

b) All new installations shall require double check valves. All systems with a single check valve that are being replaced shall be upgraded to a double check valve.

c) Existing single check valves that are in place may remain in place as long as no work is being completed to the device or the immediate area adjacent to the device.

(1) If an additional riser is added to the header or if a riser, previously installed for future use is utilized, it will be construed as work being done to the area adjacent to the device.

(2) Before installing or testing a backflow prevention assembly on a fire sprinkler system, it is required that the fire authority having jurisdiction be consulted for additional criteria they may require. Additionally, the hydraulic calculations for the fire sprinkler system shall be recalculated adding the additional pressure loss of the new back flow device proposed to be installed. The hydraulic calculations shall be submitted to the building inspector for approval before the backflow prevention device is installed.

(3) Before testing or performing maintenance on a backflow prevention device for a fire sprinkler system, all proper notifications shall be made including providing notice to the City. Each system will have different requirements, contact the City Hall with questions.

(4) Exceptions may be made in cases where the replacement of a single check valve with a double check backflow device on existing systems reduces the flow to a point that the system no longer complies with fire codes or insurance requirements and the addition of a booster pump or fire pump is not structurally practical.

**Subdivision 8 Residential Fire Protection System Requirements.**

a) The following applies to residential fire systems that are constructed of approved potable materials and are designed to flow water so it does not become stagnate. The conditions found in the NFPA 13d and the Minnesota Plumbing Code, Chapter 4714 must be met.

- (1) If a residential sprinkler system installed in a single-family dwelling is constructed with potable water pipe and there are no chemicals in the system, a backflow device is not required.
  - (2) If the system is constructed with non-potable materials and there are no chemicals in the system, a double check valve is required. Annual testing is required.
  - (3) If the system is constructed with any chemicals contained within it, an RPZ is required. Annual testing and rebuilds at intervals not to exceed five (5) years is required.
- b) The following applies to a multi-purpose residential fire system in a single-family dwelling. This system has dead end runs that permit water to become stagnate.
- (1) If the system is constructed with potable water pipe and there are no chemicals in the system, a single check valve is required. Annual testing is not required.
  - (2) If the system is constructed with non-potable materials and there are no chemicals in the system, a double check valve is required. Annual testing is required.
  - (3) If the system is constructed with any chemicals contained within it, an RPZ is required. Annual testing and rebuilds at intervals not to exceed five (5) years is required.
- c) Residential fire sprinkler systems shall be installed on the customer side of the water meter.
- d) Residential fire sprinkler systems that have non-potable materials shall be labeled with stickers that read "non-potable water" a minimum of every five (5) feet and orientated to be in conspicuous locations.
- e) It is the fire sprinkler system designer's responsibility to provide the property owner with the water flow requirements of the meter to meet their system needs. The City will only supply a water meter above one (1) inch if special circumstances exist and a request is made from the owner.
- f) All fire sprinkler systems must be reviewed and approved by the City Building Inspector.

**Subdivision 9 In-ground Irrigation Systems.**

- a) The State of Minnesota requires backflow protection on all in-ground irrigation systems. The testing of all irrigation system protection devices must be completed each year at the time of system start-up.

b) Notwithstanding any other provision in this Section to the contrary, a water customer that permanently caps or otherwise disconnects the water customer's in-ground irrigation system from the City of Eagle Bend water system will not be required to install, test, or maintain an attached backflow preventer provided the in ground irrigation system remains capped or otherwise disconnected from the City of Eagle Bend's water system.

**845.06 Penalty.**

**Subdivision 1** Customers shall be assessed and responsible for paying for all fees found in the City fee schedule assessed as a result of a customer failure to comply with the requirements of this Section, including all necessary testing.

**Subdivision 2** The City may terminate water supply to the water customer for any failures to perform the requirements of these specifications. The water customer will be subject to fees as outlined in the City fee schedule for the reestablishment of water service to the customer.  
(Am. Ord. 21-03-15-03, passed 3-15-21)