

**ORDINANCE # 2022- 05**

**AN ORDINANCE CODIFYING A PROGRAM FOR PROTECTING THE PUBLIC  
WATER SYSTEM FROM CONTAMINATION DUE TO BACKFLOW OF  
CONTAMINANTS THROUGH THE WATER SERVICE CONNECTION  
INTO THE PUBLIC WATER SYSTEM**

**WHEREAS**, 675 Indiana Administrative Code, Article 16, Rule 1.4, of the Indiana Plumbing Code, as adopted by the Indiana Fire Prevention and Building Safety Commission, as amended from time to time, requires protection of the public water supply from contaminants due to backflow through connections to fire protection and standpipe systems; and

**WHEREAS**, the Indiana Department of Environmental Management authorizes the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination of all potable water systems; and

**WHEREAS**, in the year 2005, the Town of Long Beach, Indiana ("Town") adopted a Policy for Cross Connection Control by resolution only but desires to update to formally add the Policy to the Town Code,

**NOW, THEREFORE, BE IT ORDAINED** by the Long Beach Town Council Sections 50.20 -50.30, shall be added to Title V, Chapter 50 (Waterworks System) as follows:

**CHAPTER 50: WATERWORKS SYSTEM**

**POLICY FOR CROSS CONNECTION CONTROL**

50.20. A cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Town water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

50.21. No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of Town may enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Town and by the Indiana Department of Environmental Management in accordance with 327 IAC 8-10.

50.22. It shall be the duty of the Town to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the Town.

(A). All owners, lessees, or occupants of a property or premises who use the Town's potable water for sprinklers, irrigation systems, or pool auto-fill devices are required to submit an annual Backflow Preventer Inspection Report performed by an Indiana Certified Backflow Tester registered with the Town who certifies a passing test result prior to any seasonal usage. This annual inspection shall be scheduled by and at the expense of the owner, lessee, or occupant.

50.23. Upon presentation of credentials, the representative of the Town shall have the right to request entry at any reasonable time to examine the property served by a connection to the public water system of Town for cross connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross connections.

50.24. The Town is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Ordinance exists, and to take such Cross Connection Control and Backflow Prevention Manual 40 IDEM INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee, or occupants of the property or premises where a violation is found or suspected to exist. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this Ordinance.

50.25. If it is deemed by the Town that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the clerk of the Town and delivered to the consumer's premises, service may be immediately discontinued. The consumer shall have an opportunity for hearing within ten (10) days of such emergency discontinuance.

50.26. All consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users install and maintain a reduced pressure principal backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.

50.27. The reduced pressure principal backflow preventers shall not be installed below ground level.

50.28. This Ordinance does not supersede the Indiana Plumbing Code or the IDEM Rule 327 IAC 8-10), but is supplementary to them.

50.29. If, in the judgment of the Town, or its designee, an approved backflow prevention device is necessary for the safety of the public water system, the Town will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at the consumer's own expenses, install such an approved device at a location and in a manner



approved by the Town and shall have inspections and tests made of such approved devices as required by the Town and in accordance with the IDEM Rule 327 IAC 8-10.

50.30. Any person violating any of the provisions of this Ordinance shall be subject to the following penalties and actions in addition to those otherwise provided for in the Indiana and Town Codes:

A. Written warning and fines:

1. First violation: Written warning and order to take corrective actions.
2. For each subsequent violation, the property or premises will be red tagged and the water will be shut off. Additionally, the owner, lessee, or occupant will be subject to the following graduated fines:
  - a. Second violation: Five Hundred Dollars (\$500.00/day).
  - b. Third violation: One Thousand Dollars (\$1,000.00/day).
  - c. Fourth and each subsequent violation: Two Thousand Five Hundred Dollars (\$2,500.00/day)

B. Revocation of Contractor Registration. If a contractor is found to be in knowing violation of this Section, the contractor's registration with the Town shall be revoked subject to any administrative appeal provided for under the Town Code.

C. Each day that any violation continues shall be considered a separate violation punishable as provided in this Section.

---

The health and welfare of the residents of the Town necessitate that this Ordinance shall become effective upon adoption by the Town Council and publication, if required, in accordance with the Indiana Code.

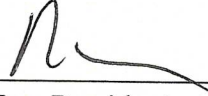
The Sections of this Ordinance shall be codified and made part of the Town of Long Beach Code of Ordinances.

It is the intent of the Town Council of the Town of Long Beach, LaPorte County, Indiana, and is hereby provided, that if any section, subsection, sentence, clause or phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed to render invalid or unconstitutional the remaining provisions of this Ordinance.

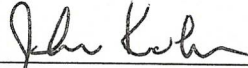
ALL OF WHICH IS PASSED AND ADOPTED by the Town Council of the Town of Long Beach, LaPorte County, Indiana, this 11<sup>th</sup> day of April, 2022.

LONG BEACH TOWN COUNCIL

By:



Robert LeMay, President



John Kocher



Mary Lou McFadden



John Wall



Mike Johnstone

ATTEST:



Tim Perry, Clerk-Treasurer