

**ORDINANCE 07-1**  
(Ordinance 04-1 revised)

**An Ordinance of the Westhaven Community Services District  
Establishing Regulations for Cross Connection Control**

BE IT ORDAINED by the Board of Directors of the Westhaven Community Services District, Humboldt County, California as follows:

**ARTICLE 1**  
**General Provisions**

Section 101 - Short Title

This ordinance shall be known and may be cited as "Cross-Connection Control Regulations".

Section 102 - Words and Phrases

For the purpose of this ordinance, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number.

Section 103 - Effect of Definition

The definition of a word applies to any of its variants.

Section 104 – Separability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

**ARTICLE 2**  
**General Definitions**

Section 201 – District

means the Westhaven Community Services District.

Section 202 – Manager

means the Manager of the District.

Section 203 – Premises

means a lot or parcel or adjacent parcels of real property under one ownership.

Section 204 – Owner

means the person owning the fee title or the person in whose name the legal title to the property appears, by deed duly recorded in the Humboldt County Recorder's office, or an executor, administrator, guardian or trustee of the owner.

Section 205 - Occupant

means the person or persons residing on the premises.

Section 206 – Public Water Distribution System

means the treated-water storage facilities, water mains and appurtenances used for the distribution of potable water to the customers of the District.

Section 207 - Service Connection

means the pipeline and appurtenant facilities including without limitation meter stop or service valve, meter, and meter box, used to extend water service from the public water distribution system to private property, the laying thereof and the tapping of the main. Where services are divided at the curb of the property line to serve several customers, each branch service shall be deemed a separate service.

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Section 208 – Backflow

means the reversal of flow, from a service connection, into the public water distribution system.

Section 209 - Back Siphonage

means a form of backflow due to a negative or sub-atmospheric pressure within the public water distribution system.

Section 210 - Backflow Prevention Device

means an approved device to counteract back pressure or prevent back siphonage.

Section 211 - Auxiliary Supply

means any water source or system other than the District's potable water system that may be available on the premises.

Section 212 – Unapproved auxiliary supply

means an auxiliary water supply that is not approved for public consumption by the California Department of Health Services.

Section 213 - Cross-Connection

means an actual or potential connection between the public water distribution system and an unapproved auxiliary supply or any system of piping containing a substance that is not or cannot be approved as safe, wholesome, and potable. Bypass arrangements, jumper connections, removeable sections, swivel or changeover devices, or other temporary or permanent devices through which, or because of which, backflow could occur shall also be considered to be cross-connections.

**ARTICLE 3**

**Purpose, Application, Records and Enforcement**

Section 301 – Purpose

The purpose of this ordinance is to protect the public health by the control and prevention of actual and potential cross-connections as required by the State of California Public Health Administrative Code, Title 17.

Section 302 – Application

This regulation applies to all premises and the owners and occupants thereof serviced by the District's water system. It applies to all the systems installed prior to or after its enactment. Every owner and every occupant of premises covered by this regulation is responsible for compliance with its terms and shall be strictly liable for all damages incurring as a result of failure to comply with express terms and provisions contained therein.

Section 303 – Records

It shall be the responsibility of the District Manager to assemble and maintain records of all incidents of backflow or backsiphonage and of all inspections, installations and tests performed to meet the provisions of this ordinance.

Section 304 – Enforcement

The District Manager will enforce the provisions of this Ordinance.

**ARTICLE 4**  
**Protection of the Water System**

Section 401 - Cross-Connection Control Required

It shall be the responsibility of the Manager of the District to protect the public water distribution system from contamination due to the backflow or backsiphonage of contaminants through the District's water service connections. If, in the judgment of the Manager or a designated agent, an approved backflow prevention device is required at any premises, the Manager or designated agent shall give written notice to the owner of said premises of the requirement to either install such device or abandon or otherwise permanently disable the auxiliary supply. When the auxiliary supply is a well, abandonment shall constitute completion of the requirements of the Humboldt County Department of Public Health for abandonment of wells, and a copy of the signed-off County permit shall be provided to the District. The owner's failure to comply within 90 days of the written notice shall constitute grounds for discontinuing water service to the premises.

Conditions requiring backflow prevention devices include:

1. Premises having an unapproved auxiliary water supply.
2. Premises having internal cross-connections that are not correctable, or intricate plumbing arrangements that make it impracticable to ascertain whether or not cross-connections exist.
3. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist.
4. Premises having a history of cross-connections.

Section 402 - Approved Standards for Cross-Connection Control Devices

The term "Approved Backflow Prevention Device" shall mean a device that appears on the current list of approved devices published by the California Department of Health Services and that has been manufactured in full conformance with the standards established by the American Water Works Association (AWWA) entitled: AWWA 506-78 (R83) Standards for Reduced Pressure and Double Check Valve Backflow Prevention Devices.

All presently installed devices not meeting the current standards but being approved devices at the time of installation and being properly maintained shall remain approved until such time as they require moving or replacement. If a device is to be moved or replaced it shall be replaced with a device currently approved.

Section 403 - Approval of Manager Required

Prior to the installation of any such devices, the owner shall submit to the Manager for approval a statement containing the make and model of the device and the location and method of installation of such device.

Section 404 – Location

Back flow prevention devices required by this ordinance must be installed within five feet of the meter or, if a location within five feet of the meter is unworkable, at a location designated by the Manager. The device must be located so as to be readily accessible for maintenance and testing, and where no part of the device will be submerged or hidden from proper inspection. Where services are divided at the curb or property line to serve more than one dwelling, each separate service shall have installed a cross-connection control device.

Section 405 – Inspecting and Testing

Certified inspections and operational tests of cross-connection control devices shall be made at the time of installation and each year thereafter. The Manager may require a certified inspection at more frequent intervals. Inspections and operational tests shall be performed by California State certified testers under contract with the District and at the direction of the Manager. Owners shall be provided advance notice by the Manager prior to testing. Costs incurred by the District for annual testing shall be recovered from the owners in the form of monthly surcharges added to the owner's water bills. Total monthly surcharges shall be calculated by dividing the testing contractor's charge by 12 and adding the owner's proportional share of the District's estimated annual cost for management of the testing. The amount of the monthly surcharge shall be included in all District resolutions "Establishing District Charges" and updated to match the District's costs as needed. Costs incurred by the District for initial or incidental testing and/or in circumstances where the monthly water bill is paid by someone other than the owner shall be recovered from the owner as a one-time, lump-sum charge. Records of the inspections and tests shall be provided to the District by the

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testers. Failure by the owner to allow inspections and operational tests to be performed as required by the District or to pay the charges for testing shall be cause for disconnection of water service 10 days after receipt of written notice by certified mail by the owner and the occupant of the parcel.

Section 406 - Right of Entry for Inspections

The Manager or the Manager's designated agent shall have reasonable access for the purpose of making inspections for cross-connection control. Refusal or hindrance of access shall be cause for disconnection of water service 10 days after receipt of written notice by certified mail by the owner and the occupant of the parcel.

Section 407 – Costs of Repair and Replacement

All costs of repair or replacement of cross-connection control devices shall be borne by the owner. Failure to repair or replace devices failing the testing shall be cause for disconnection of water service 10 days after receipt of written notice by certified mail by the owner and the occupant of the parcel.

Approved: August 15, 2007

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President  
Westhaven Community Services District

ATTEST:

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Secretary  
Westhaven Community Services District

SECRETARY'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance 07-1 (Ordinance 04-1 revised), "An Ordinance Relating to Cross-Connection Control", passed and adopted at a regular meeting of the Board of Directors of the Westhaven Community Services District, Westhaven, California, held on the 15<sup>th</sup> day of August, 2007 by the following roll call vote:

AYES: Blake, Nichols, Smith  
NOES: None  
ABSTAIN: None  
ABSENT: Verick