ORDINANCE NO. 4497

AN ORDINANCE TO AMEND ORDINANCE NO. 3161, WHEREIN THE WATER USE CODE FOR THE CITY OF SPRINGDALE WAS ADOPTED AND TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Springdale, Arkansas adopted Ordinance 3161 on October 23, 2001, and thereby adopted the Water Use Code for the City of Springdale; and

WHEREAS, the Springdale Water & Sewer Commission has voted to recommend and the City Council finds that it is in the best interest of the City of Springdale and its residential water users, consistent with the Arkansas Department of Health, to only require annual testing of backflow prevention assemblies in commercial and industrial settings; and

WHEREAS, the spring season is the time in which residential water users are required to have their backflow prevention assemblies reinstalled and tested and therefore since a change in the Water Use Code is appropriate, it needs to be enacted immediately to in order to save the cost of pursuing further enforcement and also to save the residential water users the time and trouble to address it this spring; and

WHEREAS, an amendment of the Water Use Code, previously adopted, is necessary; and

WHEREAS, A.C.A. §14-55-207 authorizes a municipality to adopt by reference technical codes or regulations without setting forth the provisions of the code; and

WHEREAS, three (3) copies of the Amended Water Use Code, with the amendments detailed below fully incorporated, were on file and available for public review and examination in the office of the City Clerk prior to the passage of this ordinance; and

WHEREAS, public notice was given by publication in a paper of general circulation within Springdale, of the City's intent to adopt, by reference, the Amended Water Use Code and stated that copies of the Amended Water Use Code were open to public inspection prior to the passage of this ordinance adopting the Amended Water Use Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:

SECTION 1. That the Water Use Code, as previously adopted, is hereby amended as follows: The heading and first sentence of Section II, Chapter 2., C., 4. is deleted and in its place, the following is inserted:

> **4. Backflow Control Methods.** The type of backflow prevention assembly required under Section II, Chapter 2., C., 3., shall depend upon the degree of hazard that exists as follows:

SECTION 2. That the Water Use Code, as previously adopted, is hereby amended as follows: Section II, Chapter 2., C., 8. is deleted in its entirety and the following language is substituted:

8. Applicability of Section II, Chapter 2., C., 6.

(a) The requirements and standards set forth in Section II, Chapter 2., C., 6., regarding inspection and testing shall apply to industrial and commercial establishments.

(b) Single-family, residential dwelling units, unless involved in commercial operations, are exempt from the requirements of Section II, Chapter 2., C., 6., so long as the Administrative Authority is assured that there is no hazard to health and the municipal water system is protected. However, if the Arkansas Department of Health, Bureau of Environmental Health Services, Division of Engineering, or the successor state agency, however denominated, with authority over this subject matter, shall amend its regulations to require inspection and testing of backflow prevention assemblies at residential locations, as defined above, then this exemption shall no longer apply. This exemption shall not apply to any residential backflow prevention assemblies where chemicals are being injected into a private water system, or where the Administrative Authority finds a potential health hazard exists that would be considered greater than that typically found in an underground irrigation system. Despite this exemption, the Administrative Authority shall continue to support voluntary testing and maintenance of backflow prevention assemblies installed at residential premises.

(c) All backflow prevention assemblies installed prior to October 23, 2001, which do not meet the requirements of this Code, but were approved assemblies at the time of installation and that have been properly maintained, shall be excluded from the requirements of this Code so long as the Administrative Authority is assured that they will satisfactorily protect the municipal water system. If an existing assembly, installed before October 23, 2001, is moved from its present location, requires more than minimum maintenance, or when the Administrative Authority finds that the assembly constitutes a hazard to health, the assembly shall be replaced by an approved backflow prevention assembly meeting the requirements of this Code and the Arkansas State Plumbing Code and its latest revisions under which the City of Springdale operates. Whether such assemblies are subject to the inspection and testing requirements of Section II, Chapter 2., C., 6., is controlled by the previous two subsections.

(d) These standards are supplemental to and do not supersede or modify the Arkansas State Plumbing Code and its latest revisions under which the City of Springdale operates.

SECTION 3. That the Amended Water Use Code, with the amendments detailed above fully incorporated, as attached in its entirety hereto as Exhibit "A" and made a part hereof is

hereby adopted by reference.

SECTION 4. That the Amended Water Use Code shall be codified in substantially the same form as shown in the attached Exhibit "A".

SECTION 5. Should any paragraph, section, clause, phrase or part of said Amended Water Use Code, for any reason, be held invalid, such invalidity shall not affect the validity of the remaining provisions of said Amended Water Use Code and the application of those provisions to any person or circumstance shall not be affected thereby.

SECTION 6. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance, are hereby repealed to the extent of the inconsistency or conflict.

SECTION 7. This Ordinance being necessary for the preservation of the health, safety, and welfare of the residents of the City of Springdale, Arkansas, and, therefore, this Ordinance shall be in full force and effect following its passage, approval and publication.

SECTION 8. EMERGENCY CLAUSE: It is hereby declared that based on the conditions set forth herein, an emergency exists and this Ordinance, being necessary for the immediate protection of the health, safety, and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage, approval, and publication.

PASSED AND APPROVED this 10th day of May, 2011.

APPROVED:

Doug Sprouse

Doug Sprouse, Mayor

ATTEST:

Denise Pearce

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Jeff Harper

Jeff Harper, City Attorney