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BY *jc* / CODIFIED
Date 11/9/06

ORDINANCE NO 1917

(An ordinance amending chapter 12.03—Wastewater Services to add a section on backwater protection, of the Hood River Municipal Code)

WHEREAS, the city owns and operates a wastewater system. Parts of the system consist of old terra cotta lines or old lines of other materials; parts of the system are located in areas of steep grades; and parts of the system are at or near capacity;

WHEREAS, all of these factors contribute to the possibility of wastewater system backups which can result in wastewater backflowing into residences and other structures;

WHEREAS, the Oregon Plumbing Specialty Code Section 710.1 contains provisions requiring the installation of backwater valves to protect drainage piping serving fixtures that have flood-level rims below the elevation of the next upstream manhole cover of the wastewater system serving the drainage piping against the backflow of wastewater when the system backs up; however, not all structures required to have the backwater valve have a backwater valve installed;

WHEREAS, there are many situations in which the Oregon Plumbing Specialty Code would not require installation (such as to an existing residence), but in which installation of a backwater valve would have prevented or will prevent wastewater backflow;

WHEREAS, the City historically experiences wastewater backups that result in backflow;

WHEREAS, over the last 5 years, the cost to clean up following wastewater backflow has grown exponentially exposing the City to increased liability and threatening the City's insurability;

WHEREAS, it is the intent of the City Council to assure that the purchaser of residential property knows whether or not the property has the required backwater protection and to protect the unwary purchaser of residential property against an undisclosed condition in violation of the backwater prevention requirements of the City's code;

WHEREAS, unchecked reverse flow of wastewater creates unsafe and unsanitary conditions that are a menace to life, health and property;

WHEREAS, a requirement to install and maintain backwater protection so as to reduce and eventually eliminate damaging wastewater backflow would protect and enhance the public health, safety and welfare;

WHEREAS, the City is aware that existing structures do not have backwater protection, but does not know how many structures or where they are located;

WHEREAS, although the City maintains an ongoing wastewater system maintenance program, the City does not know when or where the next wastewater system backup may occur;

WHEREAS, this ordinance should be effective immediately to protect the public health, safety and welfare from expensive and damaging wastewater backflow incidents.

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Chapter 12.03 of the Hood River Municipal Code is amended to read as follows:

CHAPTER 12.03 - WASTEWATER SERVICES

Sections:

- 12.03.010 Permits required--Application requirements
- 12.03.020 Installation of separate service to each house or premises
- 12.03.030 Installation of service pipes
- 12.03.040 Backwater Prevention
- 12.03.050 Water shutoff authorized when
- 12.03.060 Temporary disconnection--Charges
- 12.03.070 System under exclusive control of City Engineer--Damage responsibility
- 12.03.080 Access to premises for inspection
- 12.03.090 Services outside of city
- 12.03.100 Billing, due dates, delinquencies and liens
- 12.03.110 Adjustments and refunds
- 12.03.120 Wastewater Service Charges
- 12.03.130 Lateral service and trunk line costs
- 12.03.140 Industrial waste and pretreatment charges
- 12.03.150 Unlawful discharge
- 12.03.160 On-Site Disposal
- 12.03.170 Installation Required
- 12.03.180 Use of Existing Building Wastewater Services
- 12.03.190 Discharge of Stormwater
- 12.03.200 Prohibited Discharge
- 12.03.210 City's Authority
- 12.03.220 Interceptors
- 12.03.230 Special Agreements

- 12.03.240 Plan Approval
- 12.03.250 Flow Measurement and Sampling Facilities
- 12.03.260 Waste Charges
- 12.03.270 Inspection
- 12.03.280 BOD Computation
- 12.03.290 Measurement and Sampling Devices
- 12.03.300 Connection of Private Systems
- 12.03.310 Dumping into wastewater system--Supervision required--Regulations generally
- 12.03.320 Permission required for dumping
- 12.03.330 Dumping charges

12.03.040 Backwater Prevention.

A. "Backwater protection" means a backwater valve, ejector or pump system, or relief valve or a combination of two (2) or more of these devices that is approved under the Oregon Plumbing Specialty Code and intended to prevent wastewater from backflowing into a structure.

B. A backwater valve shall be installed when required by the Oregon Specialty Code. If approved by the Oregon Department of Business and Consumer Services, a backwater valve shall be installed when the lowest floor level of a structure to be connected to the city wastewater system is below a point which is 12 inches above the top of the nearest upstream manhole or cleanout structure. Backwater protection shall otherwise be installed when required by the Oregon Plumbing Specialty Code. Installation of required backwater protection shall be a condition of approval for any building permit.

C. Property owners are responsible for ensuring that backwater protection is properly maintained and functioning at all times. Backwater protection is subject to inspection by the city at any reasonable time, and failure to properly install and maintain this protection may result in suspension of sewer service by disconnection of water service until the requirements for backwater protection are met.

D. Any installation of backwater protection or modification to any sewer shall be performed and inspected under the requirements of Titles 12 and 15 and established city procedures.

E. The City Engineer shall establish a Backwater Protection Program pursuant to which property owners are encouraged to comply with this section and pursuant to which a property owner may be compensated by the city in part or in full for compliance with this section. The amount of compensation, if any, is set by resolution of the City Council. The Backwater Protection Program shall provide for a waiver of the requirements of this section if the following criteria are met:

1. The property owner agrees to indemnify and hold the city harmless from any damages resulting from wastewater flooding;
2. Backwater protection is not required by the Plumbing Code; and
3. The property owner records a written copy of the waiver with Hood River County with the property title.

F. Prior to the sale or exchange of any structure used for residential purposes, the selling property owner shall obtain from the City a compliance report showing whether the structure complies with the requirements of this section. The selling property owner shall deliver a copy of the compliance report to the buyer or grantee prior to the close of the transaction. The buyer or grantee shall execute a receipt for the report on a form provided by the city, and deliver the receipt to the City Engineer as evidence of compliance with this section.

G. The city will not incur any liability or responsibility for damage resulting from a wastewater overflow where the property owner or other person has failed to install and maintain backwater protection as required by this section. The city will not incur any liability of responsibility on account of the preparation and/or delivery, or the non-preparation and/or non-delivery, of the report required under subsection (F), or for any errors or omissions contained in the report; and the city shall in no way be deemed to have waived, or be stopped from asserting any violation of this section.

Read for the first time: October 30, 2006.

Read for the second time and passed: November 1, 2006, to become effective immediately.

Signed November 1, 2006.


Linda Streich, Mayor

ATTEST:


Jill Rommel, City Recorder