

## ORDINANCE NO. 1956

(An ordinance amending Section 12.03.040—Backwater Prevention, of the Hood River Municipal Code)

WHEREAS, the city owns and operates a wastewater system;

WHEREAS, HRMC Section 12.03.040—Backwater Prevention, requires property owners to install and maintain backwater protection when required by the Oregon Specialty Code so as to reduce and eliminate damaging wastewater backflow;

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 from damage resulting from an undisclosed condition in violation of the backwater prevention requirements of the City's code;

WHEREAS, Section 12.03.040(F) currently requires the owner of residential property prior to selling or exchanging the property to obtain a compliance report from the City indicating whether the property complies with the City's backwater prevention requirements;

WHEREAS, the Director of Public Works reports that conducting inspections necessary to verify the existence of a backwater valve before signing the backwater compliance report for property owners has become a time consuming task that requires public works employees to enter private residences, which takes valuable employee time away from other more important work and may violate the plumbing code;

WHEREAS, the goal 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 can still be met by requiring the selling property owner to disclose the information prior to the sale or exchange of the property.

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

Section 12.03.040 of the Hood River Municipal Code is amended to read as follows:

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
43. 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 disclose to the person acquiring the structure ~~obtain from the City a compliance report showing~~ whether the structure complies with the requirements of this section. The selling property owner shall provide the disclosure ~~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 nonpreparation and/or nondelivery, 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: June 23<sup>rd</sup>, 2008.

Read for the second time and passed: July 14<sup>th</sup>, 2008, to become effective immediately.

Signed July 14<sup>th</sup>, 2008.

  
Linda Streich, Mayor

ATTEST:

  
Jennifer McKenzie, City Recorder