

ADOPTED BY THE
MAYOR AND COUNCIL

July 8, 2008

ORDINANCE NO. 10563

RELATING TO WATER; AMENDING THE TUCSON CODE, CHAPTER 27, WATER, ARTICLE V, BACKFLOW PREVENTION AND CROSS CONNECTION CONTROL, SECTION 27-70 DEFINITIONS, SECTION 27-80 TEST, NOTIFICATION, MAINTENANCE, RECORDS; SECTION 27-82 DISCONTINUANCE OF WATER SERVICE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF
TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Tucson Code, Chapter 27, Water, Article V, Backflow Prevention and Cross Connection Control, Section 27-70 Definitions, is hereby amended by adding a definition of Four Day Notice and Courtesy Notice to read as follows:

Section 27-70 Definitions.

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Four-day notice means the written notice that is personally delivered to the site when the customer fails to meet the requirements imposed by this article stating that water service will be discontinued in four days, excluding the day the notice is delivered, if the requirements of this article are not met.

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Courtesy Notice means the written notice informing a customer that a backflow method is not operating correctly or does not meet applicable codes.

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SECTION 2. The Tucson Code, Chapter 27, Water, Article V, Backflow Prevention and Cross Connection Control, Section 27-80 Test, Notification, Maintenance, Records, is hereby amended by amending Subsection 27-80 (g), adding a new Subsection 27-80 (h), re-designating and amending existing Subsection 27-80(h) as Subsection 27-80(i) to read as follows:

Section 27-80 Test, Notification, Maintenance, Records.

* * *

- (g) If by the annual compliance date Tucson Water has not received the required annual test information, Tucson Water shall provide a four day notice in writing to the customer that Tucson Water will discontinue water service if the required annual test information is not received by the date specified in the four day notice. Tucson Water shall assess a fee when the four day notice is delivered. If the annual test information is not received by Tucson Water by the date specified in the four day notice Tucson Water shall discontinue water service and assess a compliance fee.
- (h) If Tucson Water determines at any time between annual compliance dates that a backflow method is not operating correctly or does not meet applicable codes, Tucson Water shall provide a courtesy notice in writing to the customer specifying the date by which the backflow method must meet applicable codes and be operating properly. If by the date specified in the courtesy notice the backflow method does not meet applicable codes and operate properly Tucson Water will provide a four day notice to the customer specifying the date by which the backflow method must meet applicable codes and be operating properly. Tucson Water shall assess a fee when the four day notice is delivered. If by the date specified in the four day notice the backflow method does not meet applicable codes and operate properly Tucson Water shall discontinue water service and add a compliance fee to the customer's water bill.
- (i) If a customer learns or discovers during any interim period between tests that an assembly is defective or is in improper operating condition, the customer shall perform any necessary repairs including replacement of the assembly which will return the assembly to proper operating condition.

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SECTION 3. The Tucson Code, Chapter 27, Water, Article V, Backflow Prevention and Cross Connection Control, Section 27-80 Test, Notification, Maintenance, Records is hereby amended by re-designating existing Subsection 27-80 (i) as Subsection 27-80 (j) and re-designating the existing Subsections 27-80 (j) through 27-80 (p) accordingly.

SECTION 4. The Tucson Code Chapter 27, Water, Article V, Backflow Prevention and Cross Connection Control, Section 27-82 is hereby amended to read as follows:

Section 27-82. Discontinuance of Water Service.

- a) If Tucson Water discovers that a customer has not installed a required backflow prevention method, or that a backflow prevention method has been improperly tested or maintained, bypassed or removed, or that an unprotected cross-connection exists in the customer's water system or any other violation of this article has occurred, the water service to that service connection shall be discontinued. If the condition is not remedied Subsections 27-80(g) and (h) shall apply. The service shall not be restored until the condition is remedied or Tucson Water authorizes a turn on for assembly testing and continuance of service.
- b) Water service to a fire sprinkler system shall not be subject to discontinuance under this section. If a condition, which would otherwise result in discontinuance of fire service is not remedied, discontinuance of the domestic water service shall result. See Subsections 21-80 (g) and (h).
- c) Tucson Water may discontinue, without notice, water service to any customer when Tucson Water discovers any potential for contamination of the public water systems by the customer's private plumbing system.

SECTION 5. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 6. If any provision of this ordinance or the application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION 7. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, _____.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

FWK
FWK
6/26/2008 2:01 PM

REVIEWED BY:



CITY MANAGER