

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2020 – OR – 033

**AN ORDINANCE ESTABLISHING A POTABLE WATER
CROSS-CONNECTION CONTROL PROGRAM**

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, 675 Indiana Administrative Code, Article 16, Rule 1.4, of the Indiana Plumbing Code, as adopted by the Indiana Fire Prevention and Building Safety Commission, requires protection of the public water supply from contaminants due to backflow through connections to fire protection and standpipe systems; and,

WHEREAS, the Indiana Department of Environmental Management authorizes the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination of all potable water systems;

NOW, THEREFORE, BE IT ORDAINED by the council of the Town of Sellersburg of the State of Indiana:

SECTION 1. That a cross-connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Town of Sellersburg water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

SECTION 2. That no person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of Town of Sellersburg may enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Town of Sellersburg Water Department and by the Indiana Department of Environmental Management in accordance with 327 IAC 8-10.

SECTION 3. That it shall be the duty of the Town of Sellersburg Water Department to develop and implement an on-going cross-connection program and policy to protect the public water supply. That the Sellersburg Water Cross-connection Control Policy is hereby adopted along

with other responsibilities of Sellersburg Water including the duty to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the Town of Sellersburg Water Department.

SECTION 4. That upon presentation of credentials, the representative of the Town of Sellersburg Water Department shall have the right to request entry at any reasonable time to examine the property served by a connection to the public water system of Town of Sellersburg for cross connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross connections.

SECTION 5. That the Town of Sellersburg Water Department is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee, or occupants of the property or premises where a violation is found or suspected to exist. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.

SECTION 6. That, if it is deemed by the Town of Sellersburg Water Department that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the clerk of the Town of Sellersburg and delivered to the consumer's premises, service may be immediately discontinued. The consumer shall have an opportunity request attendance at a regularly scheduled meeting of the Town Council to protest the decision of the Water Department.

SECTION 7. That all consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users install and maintain a reduced pressure principal backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.

SECTION 8. The reduced pressure principle backflow preventers shall not be installed below ground level.

SECTION 9. That this ordinance does not supersede the Indiana Plumbing Code, the IDEM Rule 327 IAC 8-10 or the Town of Sellersburg plumbing ordinance, should one exist now or in the future, but is supplementary to them.

SECTION 10. That if, in the judgment of the Superintendent of Water, an approved backflow prevention device is necessary for the safety of the public water system; the Superintendent of Water will give notice to the water consumer to install such an approved device immediately.

The water consumer shall, at his own expenses, install such an approved device at a location and in a manner approved by the Superintendent of Water and shall have inspections and tests made of such approved devices as required by the Superintendent of Water and in accordance with the IDEM Rule 327 IAC 8-10.

SECTION 11. All users of fire hydrants for non-fire-fighting purposes shall be required to use the backflow prevention equipment from the Town of Sellersburg Water Department. A refundable deposit of \$150 will be required before the water meter and backflow prevention device will be released for permitted use. Deposit will be refunded upon return of the equipment in good working order.

SECTION 12. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the Town of Sellersburg requiring it.

So Ordained this 23rd day of November, 2020

[Signature page to follow]

“Aye”

“Nay”

Brad Amos
Brad Amos
Council President

Brad Amos
Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 11/23/2020

MOTION: Czarnecki

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 11/23/2020

MOTION: Langford

SECOND: Czarnecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN