

ARTICLE 923
Water Use Regulations

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923.01 ARTICLE NOT A CONTRACT.

Nothing contained in this article shall be taken as creating any contractual obligation between the Board and any person receiving water from the Board, or as limiting in any way the Board's right to amend this article or to change the terms and conditions upon which water is provided and sold. (Ord. O-1261. Passed 5-22-07.)

923.02 SEVERABILITY.

The invalidity of any article, section, subsection, provision, clause, or portion thereof, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this article or the validity of its application to other persons or circumstances. (Ord. O-1261. Passed 5-22-07.)

923.03 DEFINITIONS.

The following words or phrases, when used in this article, shall have the meanings ascribed to them in this section.

(a) "Board" means the Parkersburg Utility Board, its employees, and agents as created by Ordinance O-805, dated April 9, 1996.

(b) "Commercial and industrial users" means all users other than single residences, multiple residences, or apartment houses, and includes motels, hotels, rooming houses and similar establishments, as well as all other business establishments.

(c) "Person" wherever used in this title means and includes, natural persons, associations, partnerships, and corporations whether acting by themselves or by a servant, agent, or employee.

(d) "Point of Service" means the point as designated by the Board on or inside the customer's property line to which water will be delivered.

(e) "Residential User" includes the following:

- (1) "Single residential dwelling unit" which means a separate dwelling house occupied by one

family;

(2) "Multiple residence" which means a residential building designed for occupancy by two families in separate dwelling units, each unit having separate kitchen and restroom facilities; and

(3) "Apartment house" which means a building designed for occupancy by three or more families in separate dwelling units, each having separate kitchen and restroom facilities.

(f) "Backflow" means the flow of liquids from a source, back into the potable water supply within a facility and/or public water supply. If the connected source is contaminated, the potable water supply could become contaminated also.

(g) "Cross Connection" means any physical arrangement whereby a public water supply is connected, directly or indirectly, with non-potable or unapproved water supply system, sewer drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, liquid, gases, sewage, or other waste, of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. By-pass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary, permanent or potential connections through which, or because of which, backflow could occur, are considered to be cross connections. However, this list of connections is not deemed exclusive.

(Ord. O-1261. Passed 5-22-07.)

923.04 APPLICATION FOR INSTALLATION OF SERVICE LINE.

(a) A person desiring the installation of a water service line to a building or property shall submit a signed application therefor upon a form provided by the Board and at the time of submitting his application pay a fee according to the schedule of fees in Article 931. Application and fee must be submitted at least thirty (30) days before the applicant's requested completion date.

(b) The installation of any water service connection is dependent on the available water distribution facilities and the Board is not required to install a water service connection in areas not served by the existing water distribution system or where the system is inadequate to handle the increased demand that would result from the applicant's proposed use.

(Ord. O-1261. Passed 5-22-07.)

923.05 INSTALLATION OF SERVICE LINE.

Following the filing of an application for service and the payment of applicable fees, the Board shall review the application for service and approve or disapprove the request. Following approval the Board shall install and maintain the connection on the water main in a right-of-way or easement, and the service line from this connection to the curb stop or meter setting at the point of service.

(Ord. O-1261. Passed 5-22-07.)

923.06 SERVICE LINES INSTALLED BY CUSTOMER.

The service line from the point of service to the customer's building shall be installed and maintained by the customer, shall be placed at least thirty six (36) inches below the surface of the ground, and shall be provided with a stop and waste valve inside of the structure with which the customer may shut off the water supply to perform repair or alteration work.

(Ord. O-1261. Passed 5-22-07.)

923.07 MAINTENANCE OF CERTAIN EXISTING LINES.

Where on the effective date of this article, one service line services two or more residential properties, the common service line shall be maintained by the Board, and each property owner shall maintain the line serving only his own property; provided, however, that Board maintenance responsibility shall not extend beyond the limits of public easements. The Board at its discretion may require the rearranging of the piping system to provide separate services. In such cases the rearranging of piping from the point of service provided by the Board to the residence/structure shall be the responsibility of the customer.

(Ord. O-1261. Passed 5-22-07.)

923.08 WATER SERVICE APPLICATION.

The occupant, lessee or owner of any property desiring the Board to provide water to such property

shall sign an application for utility services before water is provided at such property. The person signing the application shall be responsible for payment for water supplied to the property and water bills will be forwarded to this person.

(Ord. O-1261. Passed 5-22-07.)

923.09 TEMPORARY SUPPLY; WATER SERVICE APPLICATION.

Any persons requiring the use of water on a temporary basis must make written application therefor on a form provided by the Board. All temporary service connections will be installed by the Board and charged to the customer at full cost of installation.

(Ord. O-1261. Passed 5-22-07.)

923.10 TEMPORARY SUPPLY; METERED FIRE HYDRANT DEPOSIT.

Any persons making application for temporary construction water from a fire hydrant shall pay a deposit according to the schedule of fees in Section 931.01 for a hydrant meter, said deposit to guarantee the return of the meter in good condition to the Board. The Board will bill temporary customers on a monthly basis for water usage through the meter at the rates in effect at the time of service, along with a thirty (\$30.00) dollar monthly service charge.

(Ord. O-1261. Passed 5-22-07.)

923.11 RELOCATION OF FIRE HYDRANT METERS.

If any persons want a fire hydrant meter moved to a different location on the job, notice shall be given to the Board twenty-four hours in advance. Failure to provide sufficient notice shall not constitute justification for the contractor or person to relocate the meter themselves. Moving or otherwise tampering with the meter by the contractor or person shall be cause for discontinuance of temporary water service. Water service will be restored upon payment of all costs incurred by the Board.

(Ord. O-1261. Passed 5-22-07.)

923.12 TEMPORARY SUPPLY; MOBILE FIRE HYDRANT METER.

Under limited circumstances, the Board may issue a fire hydrant meter to the custody of a company or contractor representative which may be moved by the representative from hydrant to hydrant within the Parkersburg water system. Fees associated with this arrangement of temporary water supply are the same as stated Section 923.12. By accepting custody of a hydrant meter under this arrangement, the company or contractor representative agrees to present the meter to the meter shop for reading within the first ten (10) days of each month. Failure to do so may result in discontinuance of mobility privileges extended to the company or contractor.

(Ord. O-1261. Passed 5-22-07.)

923.13 TEMPORARY SUPPLY; DEPOSIT REFUND.

When any person no longer needs temporary water service from a fire hydrant meter, notice shall be given to the Board to have the meter recovered and a final reading taken. All final charges for water usage and any meter damage will be deducted from the deposit amount and the balance refunded to the person. If charges exceed the amount deposited, the person will be billed for the remaining balance.

(Ord. O-1261. Passed 5-22-07.)

923.14 UNAUTHORIZED USE OF WATER (THEFT).

Persons caught taking water from fire hydrants, curb stops or other connections to the public water system without proper authorization and metering are subject to an administrative fine from the Board of five hundred dollars (\$500.00). Payment shall be made before the Board will provide authorized water service under any circumstances.

(Ord. O-1261. Passed 5-22-07.)

923.15 METER INSTALLATION ON UN-METERED SERVICE LINE.

(a) The Board may at any time require the installation of a water meter on an un metered service line.

(b) Where water is now supplied to more than one (1) building through a single service line, the Board at its discretion may require the rearranging of the piping system to provide for the separation

of customer service lines. In such cases, the rearrangement of piping shall be done by the customer for piping to be located on private property. The Board shall provide a new point of service when necessary to accommodate the required piping changes.

(Ord. O-1261. Passed 5-22-07.)

923.16 OWNERSHIP OF METERS.

All water meters installed by the Board shall be the property of the Parkersburg water system.

(Ord. O-1261. Passed 5-22-07.)

923.17 RESPONSIBILITY FOR PROTECTION OF METERS.

It shall be the responsibility of each customer to protect the water meter, service line, and shutoff device inside the customer's building from damage due to frost. The repair cost for such damage due to negligence of the customer shall be paid for by the customer prior to reinstating the water service to the building.

(Ord. O-1261. Passed 5-22-07.)

923.18 INSPECTIONS.

The duly authorized and properly identified employees of the Board shall have the right, but shall not be obligated, to inspect the water supply, piping and plumbing at any customer's premises before or after water service is turned on; service may be refused or discontinued where such piping or plumbing is not in conformance with the applicable Federal, State, City or Board rules and regulations. Such inspection, or failure to inspect, or failure to refuse service or discontinue service shall not render the Board liable or responsible for any loss, damage, or injury resulting from defects in the piping or plumbing.

(Ord. O-1261. Passed 5-22-07.)

923.19 RIGHT OF ACCESS.

The duly authorized and properly identified employees of the Board shall have access to the customer's premises at all reasonable times for the purpose of: inspecting water supply, piping and plumbing; inspecting, testing or repairing water system equipment; and for reading water meters or the discontinuance of water service.

(Ord. O-1261. Passed 5-22-07.)

923.20 OWNERSHIP VESTED IN CITY.

All water mains and valves, fire hydrants, service lines, curb stops or meter pits up to the point of service, and water meters, shall be the property of the City of Parkersburg Water System and shall be under the exclusive control of the Parkersburg Utility Board.

(Ord. O-1261. Passed 5-22-07.)

923.21 MAINTENANCE BY BOARD.

It shall be the exclusive responsibility of the Board to maintain, repair, or replace any water main, hydrant, valve, City owned service line, City owned curb stop, or water meter.

(Ord. O-1261. Passed 5-22-07.)

923.22 NON-LIABILITY OF BOARD FOR SERVICE INTERRUPTIONS OR VARIANCES.

The Board will use all reasonable means to provide an adequate and continuous water service for all customers, but in case the water service is interrupted or reduced, for any cause, the City and Board shall not be liable for any injuries or damages resulting therefrom, and such interruption or reduction in service shall not give rise to any cause of action as for breach of agreement for service.

(Ord. O-1261. Passed 5-22-07.)

923.23 LOCAL WATER RATIONING.

(a) Authority. Upon giving notice to the West Virginia Public Service Commission (WVPSC) and the general public, the Board may declare a temporary shortage of water, and if it is determined to be necessary for the health and welfare of the Board's customers to restrict the consumption and use of the existing water supply. The Board shall authorize the implementation of the Local Water Rationing Plan, as described in Section 4.14 of the WVPSC's Rules and Regulations for the

Government of Water Utilities, to restrict use of water to human consumption and for sanitary purposes.

(Ord. O-1261. Passed 5-22-07.)

923.24 SYSTEM CROSS CONNECTION/BACKFLOW PREVENTION.

(a) Purpose.

(1) To protect the public potable water supply served by the Parkersburg Utility Board from the possibility of contamination or pollution by isolating, within its customers internal distribution system, such contaminants or pollutants which could backflow or back-siphon into the public water system.

(2) To promote the elimination or control of existing cross-connections, actual or potential, between its customers in-plant potable water system, and non-potable systems.

(3) To provide for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of all potable water systems by cross-connection.

(b) Authority.

(1) By the Federal Safe Drinking Water Act of 1974, and the Code of West Virginia Chapter 16, Article 1 and Public Health Laws, WV Bureau for Public Health Chapter 1, Article 5B, the Parkersburg Utility Board has the responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system.

(2) The Utility Board of the City of Parkersburg, Rules and Regulations, adopted.

(c) Responsibility. The Parkersburg Utility Board shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the Parkersburg Utility Board, an approved backflow device is required at the water service connection to any customer's premises, the Parkersburg Utility Board, or it's delegated agent, shall give notice in writing to said customer to install an approved backflow prevention device at each service connection to his premises. The customer shall, within ninety (90) days, install such approved device, or devices, at his own expense, and failure or refusal on the part of the customer to install said device or devices within ninety (90) days, shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

(d) Definitions.

(1) "Approved" means accepted by the Parkersburg Utility Board as meeting the applicable specification stated or cited in this regulation, or as suitable for the proposed purpose.

(2) "Auxiliary Water System" means any water supply on or available to the premises other than the purveyor's approved public potable water supply.

(3) "Backflow" means the flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

(4) "Backflow Preventer" means a device or means designed to prevent backflow or back-siphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bib vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.

A. "Air Gap" means a physical separation sufficient to prevent backflow between the free flowing discharge end of the potable water system and any other system. Physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than one (1) inch.

B. "Atmospheric Vacuum Breaker" means a device which prevents back-siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

C. "Barometric Loop" means a fabricated piping arrangement rising at least thirty-five (35) feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against back-siphonage.

D. "Double Check Valve Assembly" means an assembly of two (2) independently operating spring loaded check valves with tightly closing shutoff valves on each side of the check valves, and properly located test cocks for the testing of each check valve.

E. "Double Check Valve with Intermediate Atmospheric Vent" means a device having two (2) spring loaded check valves separated by an atmospheric vent chamber.

F. "Hose Bibb Vacuum Breaker" means a device which is permanently attached to a hose bib and which acts as an atmospheric vacuum breaker.

G. "Pressure Vacuum Breaker" means a device containing one or two independently operated spring loaded check valves and an independently operated spring loaded air inlet valve located on the discharge side of the check or checks. The device includes tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valve(s).

H. "Reduced Pressure Principle Backflow Preventer" means an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve.

I. "Residential Dual Check" means an assembly of two (2) spring loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

(5) "Backpressure" means a condition in which the owner's system pressure is greater than the supplier's system pressure.

(6) "Back-Siphonage" means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

(7) "Containment" means a method of backflow prevention which requires a backflow prevention device at the water service entrance.

(8) "Contaminant" means a substance that will impair the quality of the water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.

(9) "Cross-Connection" means any actual or potential connection between the public water supply and a source of contamination or pollution.

(10) "Fixture Isolation" means a method of backflow prevention in which a backflow preventer is located to correct a cross-connection at an in-plant location rather than at a water service entrance.

(11) "Owner" means any person who has legal title to, or license to operate or reside in, a property upon which a cross-connection inspection is to be made or, upon which a cross connection is present.

(12) "Person" means any individual, partnership, company, public or private corporation, political subdivision or agency of the State Department, agency or instrumentality or the United States or any other legal entity.

(13) "Pollutant" means a foreign substance, which if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such water for domestic use.

(14) "Water Purveyor (Parkersburg Utility Board)" means the municipal water department, water board, public service district or other administrative authority and responsibility for the implementation of a cross-connection control program and for the enforcement of the provisions of this article.

(15) "Water Service Entrance" means that point in the owner's water system beyond the sanitary control of the Parkersburg Utility Board, generally considered to be the outlet end of the water meter and always before the unprotected branch.

(16) "WVBPH" means the State of West Virginia Bureau for Public Health.

(e) Administration.

(1) The Parkersburg Utility Board will operate a cross-connection control program, to include

the keeping of necessary records, which fulfills the requirements of the WVBPH Cross-Connection and Backflow Prevention Regulations.

(2) The Owner shall allow his property to be inspected for possible cross connections and shall follow provisions of the Parkersburg Utility Board's program and the WVBPH Regulations if a cross-connection is permitted.

(3) If the Parkersburg Utility Board requires that the public supply be protected by containment, the Owner shall be responsible for the water quality beyond the outlet end of the containment device and should utilize fixture outlet protection for that purpose. He may utilize local public health officials, or personnel from the Parkersburg Utility Board, or their designated representatives, to assist him in the survey of his facilities and to assist him in the selection of proper fixture outlet devices, and the proper installation of these devices.

(f) Requirements.

(1) Parkersburg Utility Board.

A. On new installations, the Parkersburg Utility Board will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required.

B. For premises existing prior to the start of this program, the Parkersburg Utility Board will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made. Ordinarily, ninety (90) days will be allowed. However, this time period may be shortened depending upon the degree of hazard involved and the history of the device(s) in question.

C. The Parkersburg Utility Board will not allow any cross-connection to remain unless it is protected by an approved backflow preventer which will be regularly tested to insure satisfactory operation.

D. The Parkersburg Utility Board shall inform the Owner by letter, of any failure to comply, by the time of the first re-inspection. The Parkersburg Utility Board will allow an additional fifteen (15) days for the correction. In the event the Owner fails to comply with the necessary correction by the time of the second re-inspection, the Parkersburg Utility Board will inform the Owner by letter, that the water service to the Owner's premises will be terminated within a period not to exceed five (5) days. In the event that the Owner informs the Parkersburg Utility Board of extenuating circumstances as to why the correction has not been made, a time extension, may be granted by the Parkersburg Utility Board, but in no case will it exceed an additional thirty (30) days.

E. If the Parkersburg Utility Board Determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

F. The Parkersburg Utility Board will begin initial premise inspections to determine the nature of existing or potential hazards. Initial focus will be on high hazard industries and commercial premises.

(2) Owner.

A. The Owner shall be responsible for the elimination or protection of all cross-connections on his premises.

B. The Owner, after having been informed by a letter from the Parkersburg Utility Board, shall at his expense, install, maintain, and test, or have tested, any and all backflow preventers on his premise.

C. The Owner shall correct any malfunction of the backflow preventer which is revealed by periodic testing.

D. The Owner shall inform the Parkersburg Utility Board of any proposed or modified cross-connections and also any existing cross-connections of which the Owner is aware, but have not been found by the Parkersburg Utility Board.

E. The Owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.

F. The Owner shall install backflow preventers in a manner approved by the Parkersburg Utility Board.

G. The Owner shall install only backflow preventers approved by the Parkersburg Utility Board or the WVBPH.

H. Any Owner having a private well or other private water source must have approval of the Parkersburg Utility Board and the WVBPH if the well or source is cross connected to the Parkersburg Utility Board's system. Permission to cross-connect may be denied. The Owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross-connected to the Parkersburg Utility Board's system.

I. In the event the Owner installs plumbing to provide potable water for domestic purposes which is on the Parkersburg Utility Board's side of the backflow preventer, such plumbing must have its own backflow preventer installed.

J. The Owner shall be responsible for the payment of all fees for permits, annual or semi-annual device testing, retesting in the case that the device fails to operate correctly, and second re-inspections for non-compliance with Parkersburg Utility Board or WVBPH requirements.

(g) Degree of Hazard. The Parkersburg Utility Board recognizes the threat to the public water system arising from cross-connections. All threats will be classified by degree of hazard and will require the installation of approved backflow prevention device(s).

(h) Existing In-Use Backflow Prevention Devices. Any existing backflow preventer shall be allowed by the Parkersburg Utility Board to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer, or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure principle device, or a reduced pressure principle device must be installed in the event that no backflow device is present.

(i) Periodic Testing.

(1) Backflow prevention devices shall be tested and inspected at least annually.

(2) Periodic testing shall be performed by a WVBPH certified tester. This testing will be done at the owner's expense. The Owner shall notify the Parkersburg Utility Board of the date and time of the test. The Parkersburg Utility Board has the option of being present during all device testing.

(3) The Owner shall provide the Parkersburg Utility Board with the results of all tests performed on the backflow prevention device(s) installed at the Owner's premises. Owner shall also provide the identity of the tester and a copy of the certification of said tester.

(4) Any backflow preventer which fails during a periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair the device will be retested at owner's expense to insure correct operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than thirty (30) days after the test date will be established. The Owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two (2) devices is an effective means of the Owner insuring that uninterrupted water service during testing or repair of devices and is strongly recommended when the Owner desires such continuity.

(5) Backflow prevention devices will be tested more frequently than specified in (i)(1) above, in cases where there is a history of test failures and the Parkersburg Utility Board feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be borne by the owner.

(j) Records. The Parkersburg Utility Board will initiate and maintain the following:

(1) Master files on customer cross-connections;

(2) Master files on customer cross-connection tests and/or inspections;

(3) Copies of all correspondence with the WVBPH relating to backflow prevention/cross-connection.

Upon request, the Parkersburg Utility Board will submit records of inspections, surveys, tests or corrective actions to the West Virginia Bureau of Public Health.
(Ord. O-1261. Passed 5-22-07.)