EXHIBIT "A"

BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL PROGRAM

Section I. Purpose

The purposes of this backflow prevention and cross-connection control program are as follows:

A) To protect the public potable water supply for the Town of Oro Valley from the possibility of contamination or pollution by preventing the backflow of contaminants and pollutants.

B) To promote the elimination or control of cross-connections, actual or potential, between a customers' internal water systems, plumbing fixtures, industrial piping systems, and the public water supply.

C) To provide for a continuing "service protection" program of cross-connection control that will prevent the contamination or pollution of the public potable water supply system.

D) Unless a cross-connection problem is specifically identified, or as otherwise provided in this Section, the requirements of this Section shall not apply to single family residences used solely for residential purposes.

Section II. Definitions

ADEQ: Arizona Department of Environmental Quality

Auxiliary Water Supply: Any water supply on or available to any premises other than the public potable water supply. These auxiliary water supplies may include, but are not limited to, water from another utility's potable water system or from any source such as a well, spring, river, pond, lake, reservoir, stream or any other body of water.

AWWA: American Water Works Association.

Backflow: A flow of water within a potable water system that is the reverse of that intended, thus allowing no potable water to flow into a potable water pipe.

Backflow Prevention Assembly: An assemblance of one or more body components including shutoff valves that has been approved by the Foundation for Cross-Connection Control and Hydraulic Research at the University of Southern California.

Backflow Prevention Assembly Tester: A person who is currently certified by an authority recognized in the Arizona Department of Environmental Quality regulations and is approved and registered with the Utility to test, repair, and maintain backflow prevention assemblies.

Compliance Date: The date by which the annual Backflow Prevention Assembly compliance test report must be received by the Utility's Backflow Prevention Section stating that the backflow assembly meets the requirements of this code or for violations of this code, the specified date by which a violation must be remedied.

Compliance Fee: The fee that is charged to recover the administrative costs that are incurred when a customer's water service is discontinued.

Consecutive Systems: Another public or private water system where the Utility is the sole source of water for the other supplier's water system.

Contamination: An impairment of the quality of potable water by sewage, industrial fluids, waste liquids, compounds, or any other materials, solids, gases, or liquids to a degree which in the judgment of the Utility degrades the water quality and creates a health hazard.

Cross-Connection: Any unprotected actual or potential physical connection or structural arrangement of piping or fixtures between a consumer's water system and the public potable water system through which it is possible to introduce into any part of the public potable water system any used water, industrial fluid, gas, liquid, solid or any other substance. Examples of such cross-connections include, without limitation, bypass arrangements, jumper connections, removable sections, swivel or changeover assemblies, or any other temporary or permanent connecting arrangement through which backflow may occur.

Cross-Connection Protection: The degree of protection against cross-connections existing between the public water supplies and private plumbing systems.

Customer: The person/entity accepting financial responsibility for water service from the Utility.

Graywater: Untreated wastewater from bathtubs, showers, wash basins, washing machines, and laundry tubs. Graywater does not include wastewater from toilets, urinals, kitchen sinks or dishwashers.

Hazard: A cross connection or potential cross connection between the public water supply and a private plumbing system involving any substance that could, if introduced into the public water supplies, cause contamination or pollution, or have a high probability of causing such effects.

Inspection: A visual examination of premises or any backflow protection equipment, materials, workmanship and operational performance.

Maintenance means work performed or repairs made to keep backflow prevention assemblies operable and in compliance.

PSIG: Pounds Per Square Inch Gauge.

Pollution: Any substance that creates an actual or potential threat to the physical facilities of the public water supply systems or to the public water supplies which, although not dangerous to health, would constitute a nuisance or be aesthetically objectionable, or could cause damage to the system or its appurtenances.

Reclaimed Water: Water that, as a result of treatment of wastewater, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is not safe for human consumption.

Service Connection: The terminal end of a service connection from the public potable water system where the Utility loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the down-stream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow-prevention assembly located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

Service Protection means the acceptable backflow prevention method installed between the Utility's meter and a customer's private plumbing system.

Utility: Town of Oro Valley Water Utility

Section III. Backflow prevention required.

A) When Oro Valley Water Utility determines that the water supplied by the public water system may be subject to contamination or pollution, a backflow prevention method shall be required at every service connection to a customer's water system. The customer shall install the required backflow protection within the time specified by the Utility. In determining the time in which backflow protection shall be installed, the Utility shall consider the degree of hazard potential to the public water supplies.

B) The backflow prevention method required shall be determined by the Utility. The method required by the Utility shall be sufficient to protect against the hazard potential, as determined by the Utility, to the public potable water supply.

C) Residential service connections will be exempt from backflow prevention unless it is determined by the Utility that the potable water supplied by the public potable water system may be subject to contamination, pollution or other deterioration of quality by conditions or potential conditions within the customer's water system.

Section IV. Hazard potential

The potential degree of hazard to the public potable water supply system from a customer's water supply system shall be determined using the following hazard factors:

A) *Health:* Any actual or potential condition, device or practice which, in the judgment of the Utility, may create a threat of contamination to a potable water supply or may create a danger to the health and well-being of the potable water consumers.

B) *Plumbing:* An actual or potential plumbing cross-connection in a customer's water supply system that has not been protected by an approved backflow prevention assembly. A plumbing hazard may be either a pollution or contamination hazard.

C) *Non-health*: Any actual or potential condition, device or practice which, in the judgment of the Utility, may create a threat of pollution to a potable water supply system.

D) *System:* Any actual or potential condition, device or practice which, in the judgment of the Utility may create a threat of severe damage to the physical properties of a potable water supply system or that would have a protracted effect on the quality of the potable water in the system.

Section V. Backflow prevention methods; list

All backflow prevention assemblies shall be installed, maintained and tested in accordance with the parameters of the manufacturer and the Utility. The following are the approved types of backflow prevention assemblies which the department may require. (See Appendix A for schematics and additional information)

A) *Air Gap (AG)*: The unobstructed vertical distance through free atmosphere between the lowest point of a water supply outlet, pipe or faucet supplying potable water to a tank, plumbing fixture or other device and the flood level rim of the tank, plumbing fixture or other device. An approved air gap shall be at least twice the diameter of the supply pipe or faucet and in no case less than one (1) inch.

B) *Reduced Pressure Principle Assembly (RPA):* A backflow prevention assembly containing two independently action approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves, and at the same time below the first check valve. The assembly shall include properly located test cocks and tightly closing shut-off valves at each end of the assembly.

C) *Reduced Pressure Principle Detector Assembly (RPDA)*: An assembly composed of a line sized approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle assembly.

D) *Double Check Valve Assembly (DC):* A backflow prevention assembly composed of two independently acting, approved check valves, including tightly closing shut-off valves located at each end of the assembly and fitted with properly located test cocks.

E) *Double Check Detector Assembly (DCDA or DDCVA)*: An assembly composed of a line size approved double check valve assembly with a bypass containing a specific water meter and an approved double check valve assembly.

F) *Pressure Vacuum Breaker Assembly (PVB):* A backflow prevention assembly containing an independently operating, loaded check valve and an independently operating, loaded air inlet valve located on the discharge side of the check valve. The assembly shall be equipped with properly located test cocks and tightly closing shutoff valves located at each end of the assembly.

G) *Spill-Resistant Pressure Vacuum Breaker (SVB):* An assembly containing an independently operating internally loaded check valve and independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly shall be equipped with a properly located test cock, properly located bleed/vent valve and tightly closing resilient seated shutoff valves located at each end of the assembly.

Any backflow prevention assembly equipped with test cocks shall have been issued a certificate of approval by the USC Foundation for Cross-Connection Control and Hydraulic Research. Any backflow prevention assembly not equipped with test cocks shall be certified by a third party entity unrelated to the product's manufacturer or vendor and approved by the ADEQ.

Section VI. Backflow prevention methods required

A) A backflow-prevention assembly shall be installed on each service line to a customer's water system at or near the property line on private property or immediately inside the building being served; but in all cases, before the first branch line leading off the service line wherever the following conditions exist:

1. In the case of premises having an auxiliary water supply, the public water system shall be protected against backflow from the premises by installing an AG or RPA.
2. In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing a backflow-prevention assembly in the service line, appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the Utility system that have been subject to deterioration in quality. AG, RPA, or DC.
3. In the case of premises having (1) internal cross-connections that cannot be permanently corrected and controlled, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist, the public water system shall be protected against backflow from the premises by installing an AG or RPA.
4. In the case of any premises where there is the potential for pollution, the public water system shall be protected by an approved DC, PVB, or SVB.
5. Temporary potable water connection for any use, including construction sites and jumpers shall require a RPA provided and maintained by the Utility.

B) When two or more of the aforementioned conditions exist on the same premises and are served by the same service connection, the most restrictive backflow protection required for any of conditions shall be required to be installed at the service connection. The order of most restrictive to least restrictive backflow protection shall be as follows.

1. Air Gap (AG).
2. Reduced Pressure Principle Assembly (RPA).
3. Reduced Pressure Principal Detector Assembly (RPDA).
4. Double Check Valve Assembly (DC).
5. Double Check Detector Assembly (DCDA).
6. Pressure Vacuum Breaker Assembly (PVB).
7. Spill Resistant Pressure Vacuum Breaker (SVB).

Section VII. Backflow prevention methods required for Reclaimed Water and Graywater Systems

A) There shall be no cross-connections between reclaimed water or graywater systems and potable water systems. Prior to service, all connections to the reclaimed water system shall be reviewed, inspected, and approved by the Utility's backflow prevention section.

B) Where both reclaimed water and potable water are supplied to a reclaimed water use area, a reduced pressure principle backflow prevention device (RPA or RPDA) or an approved air gap (AG) separation shall be installed at the potable water service connection to the use area.

C) Where potable water is used to supplement a reclaimed water system, there shall be an air gap (AG) separation, approved and regularly inspected by the Utility, between the potable water and reclaimed water.

D) Premises using Graywater Systems shall install a RPA at the potable water service connection to the property.

E) Parts, tools, gauges, and/or other equipment required for the maintenance and testing of backflow prevention devices on the reclaimed water system shall not be used on the potable water system. All backflow prevention maintenance and testing equipment for the reclaimed system shall be color-coded purple.

Section VIII. Backflow prevention assembly installation requirements

A) Backflow prevention assemblies shall be installed and maintained by the customer, at the customer's expense and in compliance with the standards and specifications adopted by the Utility, at each service connection. The customer is responsible for notifying the Utility of any installation, repair, relocation or replacement.

B) The backflow prevention assembly shall be installed on private property in an accessible location above ground, as close as possible to the service connection with proper clearances in accordance with the current set of standard details approved by the Utility for backflow

prevention assemblies. (See Appendix A) The backflow prevention assembly shall be installed immediately following the meter and in all cases before the first branch line. The assembly shall have a diameter equal to or greater than the diameter of the service connection. Each service connection will require its own backflow prevention assembly.

C) When a customer requires a continuous water supply, two (2) or more backflow prevention assemblies of the same type shall be installed parallel to one another at the service connection to allow a continuous water supply during testing of each individual backflow prevention assembly. When backflow prevention assemblies are installed parallel to one another, the sum of the cross-sectional area of the assemblies shall be equal to or greater than the cross-sectional area of the service connection or service line piping at the point of installation.

D) For an Air Gap (AG) installation, all piping installed between the customer's connection and the receiving tank shall be entirely visible unless otherwise approved in writing by the Utility.

E) A PVB or SVB assembly may be installed for use on a landscape water irrigation service if all of the following criteria are met. In all other circumstances, an RP assembly is required:

1. The water use beyond the assembly is for irrigation purposes only;
2. The PVB/SVB is installed in accordance with manufacturer's specifications;
3. The irrigation system is designed and constructed to be incapable of inducing backpressure;
4. Chemigation, the injection of chemical pesticides and fertilizers, is not used or provided for in the irrigation system; and
5. No other source of water is available on the premises.

F) No person shall alter, modify, bypass or remove a backflow prevention method without the approval of the Utility.

G) Installation of the backflow prevention assembly must be completed within the time specified by the Utility. A time extension may be granted by the Utility.

H) If a customer fails to install a backflow prevention assembly pursuant to this article, the Utility shall discontinue water service and assess a compliance fee pursuant to this article.

I) If the Utility determines, after inspection of the customer's system, that a backflow prevention method less restrictive than that required in Section VI (A) will provide adequate protection of the public water supply, the Utility may, at its sole discretion, modify or waive the requirements of Section VI (A) accordingly. In determining, waiving, or modifying backflow requirements, the Utility shall consider the hazard potential to the public water system based on the design of the customer's water system. Written notification of the decision will be provided to the property owner.

Section IX. Installation of backflow prevention assemblies for fire systems

A) Fire protection systems may consist of sprinklers, hose connections, and hydrants. Sprinkler systems may be dry or wet, open or closed. Systems consisting of fixed-spray nozzles may be used indoors or outdoors for protection of flammable-liquid and other hazardous processes. It is standard practice, especially in cities, to equip automatic sprinkler systems with fire department pumper connections.

B) For cross-connection control, fire protection systems shall be classified on the basis of water source and arrangement of supplies as follows:

1. Class 1: Direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells or other safe outlets.
2. Class 2: Same as class 1, except that booster pumps may be installed in the connections from the street mains. It is necessary to avoid drafting so much water that pressure in the water main is reduced below twenty (20) PSI.
3. Class 3: Direct connection from public water supply main plus one or more of the following: elevated storage tanks; fire pumps taking suction from above-ground covered reservoirs or tanks; and pressure tanks (all storage facilities are filled or connected to public water only, the water in the tanks to be maintained in a potable condition).

Otherwise, Class 3 systems are the same as class 1. Class 1, 2, and 3 systems will generally require minimum protection (approved DC or DCDA) to prevent stagnant waters from back-flowing into the public potable water system.

4. Class 4: Directly supplied from public mains similar to classes 1 and 2, and with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within seventeen hundred (1,700) feet of the pumper connection. Class 4 systems will normally require backflow protection at the service connection. The type (AG, RPA or RPDA) will generally depend on the quality of the auxiliary supply.

5. Class 5: Directly supplied from public mains, and interconnected with auxiliary supplies, such as: pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells, mills or other industrial water systems; or where antifreeze or other additives are used. Class 5 systems normally would need maximum protection (AG, RPA or RPDA) to protect the public water system.

6. Class 6: Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks. Class 6 system protection would depend on the requirements of both industry and fire protection, and shall be determined by the Utility through a survey of the premises.

C) Installation of Assembly: When a backflow prevention assembly is required for a water service connection supplying water only to a fire system, the assembly shall be installed on the service line in compliance with standard specifications adopted by the Town.

1. Pressure losses across backflow prevention assemblies must be accommodated in the hydraulic design or redesign of the automatic fire sprinkler system.
2. Backflow prevention assemblies shall be installed above ground and as close to the service connection as possible on private property. When an assembly is installed in a mechanical room, sufficient drainage and space must be provided for the testing and maintenance of the backflow prevention assembly.
3. Installations shall meet current plumbing and fire codes as applicable in addition to the Utility's standard details.
4. Backflow prevention assemblies shall be installed in a horizontal or vertical position in accordance with their listing.
5. A 45-day installation permit is required for all backflow prevention assemblies. In addition, the installation must be inspected by the Utility and the assembly must be tested by a state certified backflow prevention tester before approval. The fire line contractor should make arrangements with a private backflow prevention assembly tester that is registered with the Utility. A certified backflow prevention tester will only have responsibility for the test and repair of the backflow prevention assembly and not any other component of the automatic fire sprinkler system unless that person is certified to perform testing on fire sprinkler systems.
6. Backflow prevention assemblies will be UL 1469 listed.

Section X. Inspections

A) At any time deemed necessary by the Utility, an inspection shall be conducted to determine whether any cross-connections or other hazard potentials exist and to determine compliance with this code. The customer's water system shall be available at all times during normal business hours for inspection and backflow prevention assembly testing by the Utility

B) The Utility shall inspect all new sites, assembly installations and assembly relocations.

C) A waived premises is property for which the Utility has determined there is currently no hazard potentials and therefore does not require the use of a backflow prevention system. All waived premises shall be inspected periodically or when there has been a change in owner/tenant or a change in use.

D) If a customer refuses to allow the Utility entry for inspection purposes during business hours, the Utility may discontinue water service, require backflow prevention or take any steps allowed by law to gain entry to the property.

Section XI. Permit

A) Installation permits for all backflow prevention assemblies shall be obtained from the Utility prior to installation. A separate permit shall be obtained for each required backflow prevention assembly to be installed, including replacement or relocation.

B) It shall be the duty of the person performing the work authorized by the permit to notify the Utility, orally or in writing, that the work is ready for inspection. No inspection shall occur sooner than twenty-four (24) hours from notification of the Utility. Any person requesting an inspection must have a good faith basis to believe that the work done will meet current Town codes and regulations.

C) Any work performed contrary to the provisions of the International Plumbing Code, Uniform Plumbing Code, or this Code, may be subject to a work stop order by the Utility or its authorized representative. Any persons engaged in or causing improper installation shall be informed in writing that work must cease until the Utility authorizes the continuation of the installation.

D) Whenever a permit is issued in error, on the basis of incorrect information supplied, or in violation of any ordinance, regulation or any provision of the International Plumbing Code or this code, the permit may be revoked or suspended by the Utility upon written notice.

Section XII. Discontinuance of water service

A) Notwithstanding subsection B), the Utility may discontinue, without notice, water service to any customer when the Utility discovers any imminent risk for contamination of the public water systems by the customer's private plumbing systems.

B) Upon notice as provided in subsection C), water service is subject to discontinuation if , any of the following circumstances exists:

1. A customer has not installed a required backflow prevention method;
2. A backflow prevention method has been improperly tested, maintained, bypassed or removed;
3. An unprotected cross-connection exists in the customer's water system; or
4. Any other violation of this code except as provided in Section XIII (J).

C) Prior to disconnecting any service connection, the Utility shall send a notice to the customer describing the condition precipitating disconnection and notifying the customer that the condition must be remedied by the compliance date. The compliance date shall not be less than fifteen (15) days from the date of the notice. If compliance has not been achieved by the compliance date, water service shall be discontinued without further notice.

D) Service connection to a fire sprinkler system shall not be subject to discontinuation under this section. If a condition which would otherwise result in discontinuation of water service, as described in subsection B), is not remedied within the time provided in the notice sent to the customer, discontinuation of the domestic water service, excluding the connection to the fire sprinkler system, may result.

E) In the event water service is disconnected, the existing rate for re-connection will be charged to the customer.

Section XIII. Test, Notification, Maintenance, Records

A) The test compliance date shall be established by the Utility.

B) The Utility shall notify the customer at least 45 days before the compliance date for each backflow prevention assembly.

C) The customer shall test each backflow prevention assembly at least once a year. Test intervals for any backflow prevention assembly may not exceed the compliance date established by the Utility. If an inactive water service is reactivated, the backflow prevention assembly associated with that service shall be tested if more than 12 months has passed since the last test.

D) Compliance testing shall occur no more than 45 days prior to the test compliance date.

E) The customer may request in writing a change of the test compliance date for any assembly. No compliance date may be changed to be more than 12 months after the most recent test.

F) If any testing reveals the assembly to be defective or that it 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. If an assembly is replaced, relocated or repaired, a new test shall be performed on such assembly and submitted to the Utility.

G) Each assembly shall also be tested after installation, relocation, repair, and at least annually thereafter. An assembly shall not be placed in service unless it has been tested and is functioning as designed.

H) At least 15 days before the compliance date, if the Utility has not received the required annual test information or the backflow method/device does not meet applicable codes, the Utility shall provide a second notice in writing by certified mail. The Utility must receive the required annual test report by the compliance date. It will be the customer's responsibility to contact the Utility if the repair or replacement of an assembly cannot be completed by the compliance date. For commercial services with a backflow prevention assembly under repair or replacement, the Utility must receive a failed test form by the compliance date, describing the failure and corrective action.

I) All irrigation services with a non-compliant backflow prevention assembly shall be disconnected by 5:00 pm on the day following the compliance date.

J) For commercial services with a non-compliant backflow prevention assembly, the water service may not be disconnected, but the Utility will perform the required test(s) at the customer's expense. A hand delivered notice will be given to the customer to alert the customer that the Utility will be on site within four (4) days to complete the test(s), and that it will be necessary to turn off the water service during the test(s). Customers who are in non-compliance will be subject to a fine as described in Section XVI – Penalties, in addition to all testing costs. The billing calculations and fees are listed in Section XV – Fees.

K) The annual testing shall be performed by an individual certified to conduct such testing. The certification shall be approved by ADEQ. A list of certified testers registered with the Utility shall be maintained by the Utility and shall be available upon request.

L) Test procedures shall be performed as required by the ADEQ as set forth in Chapter Nine of the Manual for Cross-Connection Control, Ninth Edition, or later editions. The tester shall provide a copy of the test report to the customer and to the Utility, and shall maintain a copy for their records.

M) For all reduced pressure backflow prevention assemblies (RPA or RPDA), the Utility requires a minimum differential of 3.0 PSI between the number one check valve and the relief valve opening point.

N) The customer shall maintain records, on forms approved by the Utility, of the results of all tests and all servicing, repairs, or replacements of the backflow prevention assembly. A copy of the records shall be provided to the Utility within five (5) days after completion of the activity for which the record is made.

O) Fire systems shall not be out of service for more than eight (8) consecutive hours due to testing, maintenance or repairs. The fire department shall be notified immediately of any changes in fire service status.

P) The Utility may test any backflow prevention assembly at any time.

Q) The Utility will notify the tester and/or the customer for corrections of incomplete and/or erroneous test forms... Information on submitted test forms can only be changed or modified by the tester who has signed the form and is responsible for that test.

R) Test equipment shall be maintained and calibrated annually by an agency approved by the Utility as required by the cross-connection control manual. A copy of the annual equipment calibration certificates shall be submitted to the Utility to maintain equipment registration. Test equipment for backflow prevention assemblies in the Utility's service area shall be registered with and approved by the Utility. Test equipment used on anything other than potable water backflow prevention assemblies shall not be used to test such assemblies and shall be identified as non-potable test equipment.

S) Testers shall register with the Utility if they are conducting backflow assembly testing in the Utility's service area. Testers shall submit a current copy of their certification or

recertification upon registration. Testers, upon renewal of tester certification, shall be certified on all backflow prevention assemblies that may be used for service protection. The Utility registration issued to a backflow prevention assembly tester for testing backflow prevention assemblies in the Utility's service area may be revoked or suspended upon certification expiration or for improper testing, maintenance, reporting or other improper or unethical practices.

Section XIV. Plan review

A) Backflow prevention assemblies which will be installed shall be shown and specified on all water improvement plans. The Water Utility shall review and approve the intended installation prior to establishment of water service.

B) Backflow prevention assemblies must be installed as to meet the current set of standard details and specifications of the Utility (as shown in Appendix A) and be tested by a certified tester and shown to be operating correctly before the water service is activated.

Section XV. Fees.

A) A schedule of fees shall be kept by the Utility and available upon request.

B) Any costs for time and materials incurred by the Utility as a result of non-compliance with Section XIII (J) shall be charged as part of the customer's water bill.

C) The fee for issuing a permit to install a backflow prevention assembly and inspecting the installation shall be the current rate in effect at the time the permit is issued.

D) A reconnect fee may be assessed when the customer fails to meet the requirements imposed by this article and the Utility discontinues water service. The reconnect fee shall be the current rate in effect at the time the Utility disconnects the water service.

E) A fee may be established by Town Council resolution to recover the cost of the cross-connection control program.

Section XVI. Penalties.

A) Any person, firm, corporation, partnership, enterprise or association, whether as principal, owner, agent, tenant, or otherwise who violates, disobeys, omits, refuses to comply with, or who resists the enforcement of any of the provisions of this code shall be subject to a civil penalty. Upon a finding of a civil violation, the court shall impose a fine not to exceed two hundred fifty dollars ($250.00). Each day a violation of any provision of this section continues to exist shall constitute a separate offense.

B) Customers who are non-compliant with the testing and maintenance provisions of this code (Section XIII) shall be fined as follows: For the first offense there will be a $100.00 fine in

addition to the testing costs. Customers who are in non-compliance for two consecutive compliance periods shall be subject to a $250.00 fine in addition to the testing costs.

C) Notwithstanding subparagraph A) of this section, a second or subsequent violation of any of the provisions of this section within a two-year period shall be deemed a misdemeanor. Upon conviction of a misdemeanor, the defendant shall be sentenced pursuant of the provisions of the Oro Valley Town Code.

Section XVII. Appeals

An Administrative appeal may be requested whenever a violation or dispute of any of the requirements of this code is determined, whether during construction or at the plan review stage, and the applicant wishes to appeal the decision of the staff because of code interpretation, unreasonable hardship or other acceptable reasons. The appeal may be made to the Backflow Prevention and Cross Connection Hearing Committee as follows:

A) The applicant shall file a written appeal with the Town Clerk on the forms provided by Oro Valley Water Utility within seven (7) business days of the violation or dispute.

B) The appeal will be heard by the Hearing Committee within ten (10) business days, at a regular specified time.

C) The Hearing Committee shall consist of the Oro Valley Water Utility Director, a member of the Oro Valley Water Utility Commission, and the Cross-Connection Control Specialist. Other technical persons may be added for a particular appeal, at the discretion of the Water Utility Director or designee.

D) Adequate information shall be provided by the applicant in order to fully describe the conditions in question.

E) The decision(s) reached by the Hearing Committee shall be considered final.