

ORDINANCE NO. 10-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE AMENDING SECTIONS IN TITLE 13 OF THE ORANGE MUNICIPAL CODE TO DELETE OUTDATED LANGUAGE, UPDATE REFERENCES TO CONFORM WITH CURRENT LAW AND CODE PROVISIONS, AND ACHIEVE INTERNAL CONSISTENCY.

WHEREAS, the Orange Municipal Code requires updates, from time to time, to reflect current administrative or operational procedures adopted by the City; and

WHEREAS, the changes proposed update the Code to delete outdated language, update references to conform with current law and code provisions, achieve internal consistency and otherwise capture general language clean-up.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I:

1. The subject Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines (Guidelines) Sections 15060(c)(2) and 15060(c)(3) because review and evaluation of potential impact of the Ordinance demonstrate that it will not result in a direct or reasonably foreseeable indirect physical change in the environment, and it is not a "project" as defined in Guideline 15378.

2. The subject Ordinance is exempt from CEQA per Guideline 15061(b)(3) because it can be seen with certainty, after review and evaluation of the facts regarding the Zoning Code administrative amendments, that there is substantial evidence that adoption of this Ordinance would not have a significant effect on the environment and the common sense exemption applies.

SECTION II:

Section 13.04.080 of the Orange Municipal Code, "Public Utilities – Article I Water System – General Provisions – Pressure and Supply-Liability of City," is hereby amended to read as follows:

13.04.080 - Pressure and Supply—Liability of City.

The City assumes no responsibility for loss or damage because of high water pressure or lack of water or pressure and merely agrees to furnish such quantities and pressures as are available in its general distribution system. The service is subject to shutdowns and variations required by the operation of the system.

SECTION III:

Section 13.36.010 of the Orange Municipal Code, “Public Utilities – Article I Water System – Regulations Relating to Cross-Connections – Required,” is hereby amended to read as follows:

13.36.010 – Required.

All consumers shall comply with the regulations of the California State Water Resources Control Board pursuant to the Cross-Connection Control Management Plan.

SECTION IV:

Section 13.36.060 of the Orange Municipal Code, “Public Utilities – Article I Water System – Regulations Relating to Cross-Connections – Backflow Prevention Devices,” is hereby amended to read as follows:

13.36.60 - Backflow Prevention Devices.

A. Approved Backflow Devices

1. Only backflow prevention devices which have been approved by the City shall be acceptable for installation by a water user connected to the City's water system.
2. The City will provide, upon request, to any affected consumer a list of approved backflow prevention devices.

B. Backflow Prevention Device Installation. Backflow prevention devices shall be installed pursuant to the Cross-Connection Control Management Plan of the California State Water Resources Control Board. Location of the devices should be as close as practical to the user's connection. The City shall have the final authority in determining the required location of a backflow prevention device.

C. Backflow Prevention Device Testing and Maintenance

1. The owners of any premises on which, or on account of which, backflow prevention devices are installed, shall have the devices tested by a person who has demonstrated their competency in testing of these devices to the City. Backflow prevention devices must be tested at least annually and immediately after installation, relocation or repair. The City may require a more frequent testing schedule if it is determined to be necessary. No device shall be placed back in service unless it is functioning as required. A report in a form acceptable to the City shall be filed with the City each time a device is tested, relocated or repaired. These devices shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water consumer.

2. The City shall supply affected consumers with a list of persons acceptable to the City to test backflow prevention devices. The City will notify affected consumers by mail when annual testing of a device is needed and also supply users with the necessary forms which must be filled out each time a device is tested or repaired.

D. Backflow Prevention Device Removal

1. Approval must be obtained from the City before a backflow prevention device is removed, relocated, or replaced.
 - a. Removal. The use of a device may be discontinued and the device removed from service upon presentation of sufficient evidence to the City to verify that a hazard no longer exists or is not likely to be created in the future;
 - b. Relocation. A device may be relocated following confirmation by the City that the relocation will continue to provide the required protection and satisfy all installation requirements. A retest will be required following the relocation of the device;
 - c. Repair. A device may be removed for repair, provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with other backflow protection approved by the City. A retest will be required following the repair of the device; and
 - d. Replacement. A device may be removed and replaced provided the water use is discontinued until the replacement device is installed. All replacement devices must be approved by the City and must be commensurate with the degree of hazard involved.

SECTION V:

Section 13.36.070 of the Orange Municipal Code, “Public Utilities – Article I Water System – Regulations Relating to Cross-Connections – Administrative Procedures,” is hereby amended to read as follows:

13.36.70 - Backflow Administrative Procedures.

A. Water System Survey

1. The City shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the City upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention device is necessary to protect the public water system, the required device must be installed before service will be granted.

2. The City may require an on-premises inspection to evaluate cross-connection hazards. The City will either verbally or in writing, request an inspection appointment to each affected water user. Any consumer which cannot or will not allow an on-premises inspection of their piping system shall be required to install the backflow prevention device the City considers necessary.
3. The City may, at its discretion, require a reinspection for cross-connection hazards of any premises to which it serves water. The City will either verbally or in writing request an inspection appointment to each affected water user. Any consumer which cannot or will not allow an on-premises inspection of their piping system shall be required to install the backflow prevention device the City considers necessary.

B. Consumer Notification—Damaged, Missing or Improperly Installed Backflow Prevention Assemblies

1. In the event that a backflow prevention assembly is missing (or stolen), installed incorrectly, illegally modified, or tampered with, the City shall implement the following actions:
 - a. The City will notify the consumer of the survey findings, listing corrective action to be taken if required. A period of 60 days will be given to complete all corrective action required including installation of backflow prevention devices.
 - b. A second notice will be sent to each consumer which does not take the required corrective action prescribed in the first notice within the 60-day period. The second notice will give the consumer a two-week period to take the required corrective action. If no action is taken within the two-week period the City may terminate water service to the affected consumer until the required corrective actions are taken.

C. Consumer Notification—Testing and Maintenance

1. The City will notify each affected consumer, mailed on the last week of the previous month, when it is time for the backflow prevention device installed on their service connection to be tested. This written notice (first letter) shall give the consumer 30 days to have the device tested and supply the consumer with the necessary form to be completed and resubmitted to the City.
2. After the 30-day expiration, there will be a 10-calendar day grace period prior to a second notice (second letter) sent to each consumer which does not have their backflow prevention device tested as prescribed in the first letter. The second notice will give the consumer 15 days to have the device tested and supply the consumer with the necessary form to be completed and resubmitted to the City.
3. After the 15-day expiration, there will be a 10-calendar day grace period prior to a third notice (final notice) sent to each consumer which does not have their backflow

prevention device tested as prescribed in the second letter. The final notice will give the consumer 5 days to have the device tested and supply the consumer with the necessary form to be completed and resubmitted to the City. If no action is taken after the final notice, the City may terminate water service to the affected consumer until the subject device is tested.

SECTION VI:

Section 13.40.110 of the Orange Municipal Code, “Public Utilities – Article I Water System – Wells – Standards for Construction, Reconstruction or Destruction,” is hereby amended to read as follows:

13.40.110 - Standards for Construction, Reconstruction or Destruction.

Standards for the construction, reconstruction or destruction of wells shall be the standards recommended in the State Department of Water Resources Bulletin No. 74, Part II and future amendments thereto. Standards for the construction, alteration, or destruction of cathodic protection wells shall be the standards recommended in the State Department of Water Resources Bulletin No. 74-1, and future amendments thereto.

SECTION VII:

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION VIII:

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

ADOPTED this _____ day of _____, 2025.

Daniel R. Slater, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

APPROVED AS TO FORM:

Wayne W. Winthers,
Interim City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the ____ day of _____, 2025, and thereafter at the regular meeting of said City Council duly held on the ____ day of _____, 2025, was duly passed and adopted by the following vote, to wit:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Pamela Coleman, City Clerk, City of Orange