

**ORDINANCE NO. 4070-A**

**AN ORDINANCE AMENDING THE CITY OF MUSKOGEE CODE OF ORDINANCES BY AMENDING CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IV, PLUMBING CODE AND REGULATIONS, DIVISION 3, INSTALLATION STANDARDS FOR WATER AND SEWER LINES; AMENDING SECTION 18-328, SEWER CONNECTION; APPROVAL; REQUIRING INSTALLATION OF BACKWATER PREVENTION DEVICES ON NEW CONSTRUCTION AND RECONNECTIONS; ESTABLISHING AUTHORITY FOR THE CREATION OF AN ASSISTANCE PROGRAM FOR INSTALLATION ON EXISTING CONSTRUCTION; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND DECLARING AN EMERGENCY.**

**AN EMERGENCY ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, AS FOLLOWS:**

**Section 1.** Chapter 18, Building and Building Regulations, Article IV, Plumbing Code and Regulations, Division 3, Installation Standards for Water and Sewer Lines, Section 18-328, Sewer connection; Approval, is hereby amended to read as follows:

*Section 18-328, Sewer connection; approval; backwater prevention devices.*

(a). No person shall connect onto the city sanitary sewer system until the property owner has in his receipt a copy of the sewer front footage fee application required by separate ordinance. All procedures and materials for installation of a connection to the city sanitary sewer must be approved by the plumbing inspector and superintendent of pollution control.

(b). When-ever a connection or reconnection is made to the city's sanitary sewer system, an approved backwater prevention device shall be installed. All backwater valves shall be installed in accordance with this section and the requirements of the International Plumbing Code as adopted by the City, as may be amended from time to time.

(1). Definitions.

A. "Approved sewage Backwater Prevention Device" means a backwater prevention device of a type that has been categorically approved by the International Plumbing code as adopted by the City of Muskogee.

B. "ABWD" means an Approved Sewage Backwater Prevention Device

C. "Department" means Inspections department

D. "Director" means Building Official or designee

(2). Backwater Prevention Device Requirements.

A. New Connections. Unless otherwise permitted by the Director, it is unlawful for any person to connect to the city sewer system with plumbing fixtures without a properly installed ABWD sufficient to prevent sewer backups at all outlets. ABWD's shall be installed to facilitate future access and maintenance..

B. Reconnections. All reconnections or sewer line replacements shall install ABWD'S sufficient to prevent sewer backups in accordance with this section, regardless of whether the tap is preexisting or new.

(3) ABWD Assistance program.

A. The Department is hereby authorized to offer, subject to approved budget allocation, an ABWD assistance program to owners of property who install approved ABWD'S on existing single-family residences in accordance with this section; provided, however, the ABWD shall be installed by a licensed plumber in accordance with the International Plumbing Code.

**Section 2.** REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

**Section 3.** SEVERABILITY. Should any part section, subsection, sentence, provision, clause or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this ordinance, and the same are deemed severable for this purpose.

**Section 4.** EMERGENCY. This ordinance being designated to protect the public health, safety and welfare of the inhabitants of the City of Muskogee, Oklahoma, and its passage being immediately necessary, an emergency is hereby declared to exist and by reason whereof this ordinance shall take effect immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS **20th DAY OF MAY, 2019.**

CITY OF MUSKOGEE

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JANEY BOYDSTON, MAYOR

ATTEST:

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TAMMY L. TRACY, CITY CLERK

(seal)

Approved as to form and legality this **20<sup>th</sup> day of May, 2019.**

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ROY TUCKER, CITY ATTORNEY