

ORDINANCE NO. 2023- 09

AN ORDINANCE OF THE SOUTH SALT LAKE CITY COUNCIL AMENDING TITLE 13 OF THE SOUTH SALT LAKE CITY MUNICIPAL CODE TO UPDATE LANGUAGE REGARDING BACKFLOW DEVICES AND FEES ASSOCIATED THEREWITH.

WHEREAS, the South Salt Lake City Council (the “City Council”) is authorized to enact and amend ordinances establishing regulations related to the health, safety, and welfare of the residents of the City of South Salt Lake (the “City”); and

WHEREAS, the City Council finds that backflow devices are an important tool protecting the quality of drinking water in the City; and

WHEREAS, the City Council finds that City staff has found additional tools that will assist residents and businesses in the City to ensure that their backflow devices are working properly; and

WHEREAS, the City Council finds that the City ordinances regarding backflow devices and water quality have not been updated in many years and substantive and technical changes to reflect new technologies and more accessible language are desirable; and

WHEREAS, the City Council finds that, upon a fee study conducted by City staff, a fee of \$15.95 per test conducted on a backflow prevention assembly tool test is sufficient to cover the costs of updating and implementing a new backflow device system effectively and safely in the City; and

WHEREAS, the City Council hereby determines that amending sections 13.60.030, 13.60.060, 13.68.010, 13.68.020, 13.68.030, 13.68.050, 13.68.070, and 13.68.100 of the South Salt Lake Municipal Code to update language and amending Section 13.68.080 of the South Salt Lake Municipal Code to enact a \$15.95 per test of a backflow prevention assembly tool is in the best interest of the health, safety, and welfare of the residents of South Salt Lake City;

NOW THEREFORE, BE IT ORDAINED, by the South Salt Lake City Council as follows:

SECTION 1. Enactment. Sections 13.60.030, 13.60.060, 13.68.010, 13.68.020, 13.68.030, 13.68.050, 13.68.070, 13.68.080, and 13.68.100 are hereby amended, as attached hereto and incorporated by reference in “Exhibit A.”

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

SECTION 4. Effective Date. This ordinance shall become effective upon Mayor’s signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

(signatures appear on separate page)

DATED this 22 day of February 2023.

BY THE CITY COUNCIL:

Corey Thomas

~~Sharla Bynum~~, Council Chair - Vice
Corey Thomas

ATTEST:

Ariel Andrus

Ariel Andrus, City Recorder

City Council Vote as Recorded:

Huff	<u>YES</u>
Thomas	<u>YES</u>
Bynum	<u>YES</u>
Mila	<u>ABSENT</u>
Siwik	<u>YES</u>
Pinkney	<u>YES</u>
Williams	<u>YES</u>

Transmitted to the Mayor's office on this 23 day of February 2023.

Ariel Andrus
Ariel Andrus, City Recorder

MAYOR'S ACTION:

Approve

Dated this 23rd day of February, 2023.

Cherie Wood
Cherie Wood, Mayor

ATTEST:

Ariel Andrus

Ariel Andrus, City Recorder





Exhibit A:

13.60.030 Meter tests—Who shall bear charges.

A. Should any water user, using a water meter, desire to have the meter on the user's premises tested, the ~~[charge]~~ cost of the test shall be borne by:

(1) the person requesting the testing, where the meter is found to be correct or register in favor of the consumer; ~~[but]~~ or

(2) the city, where ~~[it]~~ the meter is found to be overregistering. ~~[the cost of such test shall be borne by the city.]~~

B. Meters shall be changed only at the discretion of the Water ~~[superintendent]~~ Supervisor ~~[of the water department]~~.

13.60.060 Larger meters furnished at expense of applicant—Property of city.

Meters of a larger size than one inch shall be furnished at the expense of the applicant, and installed at the applicant's expense and the charge shall be the actual cost of work done plus twenty (20) percent. In all cases the meter shall be furnished by and become the property of the city and shall be maintained by the water department.

13.68.010 Purpose.

The purpose of this chapter is:

- A. To protect the public potable water supply of the city of South Salt Lake from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants which could back flow into the public water system;
- B. To promote the elimination or control of [a] existing cross-connections, actual or potential, between the consumer's on-site potable water system(s) and nonpotable water system(s), plumbing fixtures and industrial piping systems; ~~[and]~~
- C. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems[-]; and
- D. To establish the authority of the Water Supervisor to contract with one or more third-party entities to fulfill the requirements of this Chapter, pursuant to the approval of the mayor.

13.68.020 Responsibility.

A. The Water Supervisor shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection.

B. If, in the judgment of ~~[said]~~ the Water Supervisor an approved backflow prevention assembly is required (at the customer's water connection: or within the customer's private water system) for the safety of the water system, the Water Supervisor or ~~[his]~~ the Water Supervisor's designated agent shall give notice in writing to said

customer to install such an approved backflow prevention assembly(s) at specific location(s) on the customer's premises.

C. [The] If the Water Supervisor or the Water Supervisor's designee provides notice to a customer, as described in Paragraph B, the customer shall immediately install such approved assembly(s) at the customer's expense; and, failure, refusal or inability on the part of the customer to install, test, and maintain said assembly(s) shall constitute grounds for discontinuing water service to the premises until such assembly(s) have been satisfactorily installed.

13.68.030 Building official.

A. The building department of the city of South Salt Lake shall review construction plans and inspect plumbing as it is installed, to prevent cross-connections from being designed and built into structures within its jurisdiction of the city of South Salt Lake.

B. Where the review of building plans, or the inspection of buildings suggests or detects the potential for a cross-connection, the building official shall require that the cross-connection be eliminated, or an approved backflow assembly be installed in accordance with the current plumbing code and amendments adopted by the state of Utah.

C. The building official's responsibility begins at the point of service (downstream side of the water meter) and extends throughout the entire length of the customer's water system.

D. The building inspector shall inquire about the intended use of water at any point where a cross connection is identified, or called for on the plans. Where such a cross connection is discovered, an approved backflow prevention assembly shall be required on the plans and shall be properly installed in the building.

13.68.050 Definitions.

As used in this chapter, the following words and phrases mean:

Water Supervisor. The Water Supervisor is responsible for the water department of the city of South Salt Lake, is vested with the authority and responsibility for the implementation of an effective cross connection control program, and has authority to enforce the provisions of this chapter.

Approved. Accepted by the Water Supervisor as meeting all applicable specifications stated or cited in this chapter, or as suitable for the proposed use.

Auxiliary Water Supply. Any water supply on or available to the premises other than the city public water supply. These auxiliary waters may include water from another city or municipality's public potable water supply or any natural source(s) such as a well, spring, river, stream, etc., or "used waters" or "industrial fluids." These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Back flow. The reversal of the normal flow of water caused by either back pressure or back siphonage.

Back flow prevention assembly. An assembly or means designed to prevent back flow. Specifications for back flow prevention assemblies are contained within 13.68.070 of this code and by the state of Utah, pursuant to Utah Code Annotated Section 58-56-6 or its successor provision. All back flow prevention assemblies must be approved by the Utah Department of Health before installation. A listing of approved back flow prevention assemblies is available from the Utah Department of Health.

Back pressure. The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water system from any source other than its intended source caused by a pressure reversal in the system.

Back_siphonage. The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water system from any source than its intended source caused by the reduction of pressure in the potable water supply system.

Backflow Preventer. An assembly or means designed to prevent backflow:

1. **Air Gap.** The only absolute means of preventing backflow. It consists of a vertical separation between the end of a water inlet pipe and the overflow rim of the fixture or device served. The air gap shall be twice the diameter of the supply pipe, and in no case less than one inch. If the pipe is next to a wall the distance shall be three times the supply line and in no case less than three inches.
2. **Reduced Pressure Backflow Preventer.** A mechanical backflow prevention assembly designed for installation in special circumstances where backpressures can be expected. It consists of two hydraulically or mechanically loaded pressure reducing check valves with a pressure regulated relief valve in between, with four test cocks, including shut-off valves, on each side. It should be inspected and tested annually for detection and correction of any malfunction. It shall be installed above ground.
3. **Double Check Valve Assembly.** Consists of two independently acting check valves set between two shut-off valves, and includes four test cocks. It is used to prevent backflow in certain non-health situations. It must be tested annually for detection and correction of any malfunction. A single check valve is not an acceptable backflow assembly under any circumstances.
4. **Pressure Vacuum Breaker.** A mechanical device designed to perform the same function as the atmospheric vacuum breaker. A pressure vacuum breaker may be used in special circumstances on the upstream side of control valves. It must be installed with the critical level at least twelve (12) inches above the flood rim of the fixture served, or twelve (12) inches above all downstream piping on the system. It cannot be subjected to back pressure, and must not be smaller than the supply pipe size.
5. **Atmospheric Vacuum Breaker.** A mechanical device designed to admit air automatically into a water supply whenever the pressure in said pipe falls below atmospheric pressure. It must be installed with the critical level at least six inches above the flood rim of the fixture served, or six inches above all downstream piping on the system, and on the discharge side of the last control valve. It cannot be subjected to back pressure, and must not be smaller than the supply pipe size.
6. **Air Break.** A piping arrangement in which a drain from a fixture, appliance or device discharges indirectly into a second fixture, receptacle or receptor at a point below the flood rim of the latter. No listing is made for this type of device.

~~[Spill Resistance Pressure Vacuum Breaker. A mechanical assembly designed to perform the same function as the atmospheric vacuum breaker. A modification in design which includes a spring loaded valve and an independent check valve that allows little discharge, permits its use in special circumstances, on the upstream side of control valves. It must be installed with the critical level at least twelve (12) inches above the flood rim of the fixture served, or at least twelve (12) inches above all downstream piping on the system. It cannot be subject to backpressure, and must not be smaller than the supply pipe size.]~~

Contamination. An impairment of the quality of the potable water by sewage industrial fluids or waste liquids, compounds or other material to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

Cross-Connection. Any physical arrangement of piping or fixtures between two otherwise separate piping systems one of which contains potable water and the other nonpotable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections.

Cross-Connection Control by Containment. The installation of an approved backflow prevention assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer's water system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and

supplying a portion of a customer's water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of cross-connection.

Hazard, degree of. The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

1. Hazard—Health. Any condition, device, or practice in the water supply system and its operation which could create or in the judgment of the Water Supervisor, may create a danger to the health and well-being of the water consumer;
2. Hazard—Non-Health. An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

Industrial Fluids System. Any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health hazard, pollution hazard, or a plumbing hazard, if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated water; all types of process waters and "used waters" originating from the public potable water system which may have deteriorated in sanitary quality; chemically or biologically treated or stabilized with toxic substances; contaminated natural water such as from well, springs, etc.; oil, gases, glycerin, paraffin's, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for firefighting purposes.

Pollution. Means the presence of any foreign substance (organic, inorganic, or biological) in water, which tends to degrade its quality 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.

Spill Resistance Pressure Vacuum Breaker. A mechanical assembly designed to perform the same function as the atmospheric vacuum breaker. A modification in design which includes a spring loaded valve and an independent check valve that allows little discharge, permits its use in special circumstances, on the upstream side of control valves. It must be installed with the critical level at least twelve (12) inches above the flood rim of the fixture served, or at least twelve (12) inches above all downstream piping on the system. It cannot be subject to backpressure, and must not be smaller than the supply pipe size.

Water, nonpotable. Water which is not safe for human consumption or which is of questionable potability.

Water, potable. Any water which, according to recognized standards, is safe for human consumption.

Water-Service Connection. The terminal end of the service connection from the public potable water system; i.e., where the water purveyor 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 downstream end to the meter. There should be no unprotected takeoffs from the service line ahead of any meter or any backflow prevention assembly located at the point of delivery to the customer's water system. Service connections shall also include water services from fire hydrant and all other temporary or emergency water service connections from the public potable water system.

Water-Used. Any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.

13.68.070 Policy and Specifications.

- A. No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state laws and regulations and this chapter for control of backflow and cross-connections. Service of water to any premises shall be discontinued by the water purveyor if a backflow prevention assembly required by this chapter for control of backflow and cross-

connections is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, by-passed or if any unprotected cross-connection exists on the premises. Service shall not be restored until all such conditions or defects are corrected.

- B. The customer's system shall be open for inspection at all reasonable times to authorize representatives of the water department of the city of South Salt Lake to determine whether cross-connections of other structural or sanitary hazards, including violation of these regulations, exist. When such a condition becomes known, the Water [department] Supervisor shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the state and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.
- C. An approved backflow prevention assembly shall also be installed on each service line to a customer's water system at or near the property line 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 nonpotable water system shall not be extended into the building as stated by the current plumbing code and amendment as adopted by the state of Utah.
 - 2. In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected against backflow by an approved backflow prevention assembly appropriate to the degree of hazard. This shall include the handling of process water and water originating from the public water system which has been subject to deterioration in quality.
 - 3. In the case of premises having: (1) internal cross-connection that cannot be permanently corrected or 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 dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line.
- D. The type of protective assembly required shall depend upon the degree of hazard which exists as follows:
 - 1. In the case of any premises where there is an auxiliary water supply as stated in this section, and it is not subject to any of the following rules, the public water system shall be protected by a swing-check valve and an approved reduced pressure zone assembly.
 - 2. In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.
 - 3. In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle assembly. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, mortuaries and plating plants.
 - 4. In the case of any premises where there are "uncontrolled" cross-connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly at the service connection.
 - 5. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly on each service to the premises.

- E. **Approved Backflow Assemblies.** The model and size of all backflow prevention assemblies shall be approved in writing by the State Division of Drinking Water. To gain approval for use within a public drinking water system, all backflow prevention assemblies must be in-line repairable, in-line testable and be certified through a third party certifying agency. The third party certification shall consist of any combination of two laboratories or field test certifications. Acceptable certifying agencies are: ASSE (American Society of Sanitary Engineers); IAPMO (International Association of Plumbing/Mechanical Officials) University of Southern California, Foundation for Cross-Connection and Hydraulic Research (USC-FCCHR). The USC-FCCHR is currently the only field testing provider for backflow protection assemblies. A list of approved backflow prevention assemblies for the state of Utah will be maintained for public inspection and use by the Division of Drinking Water. The South Salt Lake Water Department will also maintain a list of approved backflow prevention assemblies. If any assembly is found within the water system of South Salt Lake City which has not been approved, that assembly shall be removed and a state-approved assembly shall be installed in its place at the water user's expense, or service to the installation shall be terminated.
- F. It shall be the duty of the customer/user at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made once per year at the customer/user's expense. In those instances where the City deems the hazard to be great enough, the City may require these assemblies be tested at a more frequent interval. These inspections and tests shall be [~~performed~~] performed by a class II or class III backflow technician.
- G. Backflow prevention assemblies shall be installed in water supply lines to provide at least the degree of protection stipulated in the International Plumbing Code and by the state of Utah pursuant to Utah Code Annotated section 58-56-6 or its successor provision. All backflow assemblies shall be exposed for easy observation and be readily accessible.
- H. All backflow assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the person having control of the backflow assembly. Upon inspection, any backflow assembly found to be defective or inoperative shall be replaced or repaired. No backflow assembly shall be removed from use, relocated, or another backflow assembly substituted without the prior approval of the City.
- I. All back flow prevention assemblies shall be tested within ten (10) working days of initial installation.
- J. No backflow prevention assembly shall be installed so as to create a safety hazard.
- K. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies at the time of installation and which have been properly maintained, and pass current testing criteria, and manufacturers' parts are still available, shall, except for the inspection and maintenance and safety requirements of this section, be excluded from the requirements of this section. Whenever the existing assembly does not meet the criteria, or parts are no longer available for that assembly, the assembly shall be replaced by an approved backflow prevention assembly meeting the requirements of this section at the owner's expense.

13.68.080 Installation and inspections.

A. Installation: All backflow prevention assemblies shall be installed according to the current plumbing code and amendments, as adopted by the state of Utah.

B. The cost of a backflow prevention assembly tool or test shall be borne by the end user at a rate of \$15.95 per test, as outlined in the consolidated fee schedule.

C. The city may contract with a third-party entity to provide backflow prevention assembly tools or tests to residents, as well as fulfill any other role that the Water Supervisor considers necessary to fulfill the obligations of this chapter.

13.68.100 Violation—Penalty.

A. It is unlawful for the owner or occupant of any premises using water supplied by the City to cross-connect that water supply with another source of water that does not meet the purification standards maintained for the City supply or with any appliance, appurtenance, hose, pipe, or other fixture in such a manner that there is a possibility that water from such foreign source may flow, be siphoned, or be pumped into the City water system.

B. It is unlawful for any owner or occupant of any premises using water supplied by the City to make any connection, whether temporary or permanent, between the City water system and any appliance, appurtenance, hose, pipe, or other fixture that was previously supplied with water from another source, as described in Paragraph A, unless the property owner or occupant:

1. first purifies the appliance, appurtenance, pipe, hose, or other fixture according to requirements established by the City; and

2. agrees in writing that the water from the non-City source will not again be used in the appliance, appurtenance, pipe, hose, or other fixture.

C. Any violations of this chapter shall constitute a Class B misdemeanor and each day shall be deemed a separate violation.

D. Should any part of this chapter be declared unlawful by a court of competent jurisdiction, the remaining parts shall not be affected thereby, and shall be in full force and effect.