

ORDINANCE 8674

AN ORDINANCE AMENDING SECTION 4-20-23, "WATER PERMIT FEES," CHAPTER 11-1, "WATER UTILITY," AND CHAPTER 11-2, "WASTEWATER UTILITY," B.R.C. 1981, UPDATING WATER PERMIT FEES AND CLARIFYING ENFORCEMENT PROVISIONS UNDER THE BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL PROGRAM TO PROTECT THE DRINKING WATER SYSTEM AND PUBLIC HEALTH; AND SETTING FORTH RELATED DETAILS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
COLORADO:

Section 1. Section 4-20-23, "Water Permit Fees," B.R.C. 1981, is amended to read as follows:

An applicant for a water permit under Sections 11-1-14, "Permit to Make Water Main Connections," 11-1-15, "Out of City Water Service," or 11-1-16, "Permit to Sell Water," B.R.C. 1981, or for water meter installation under Section 11-1-36, "Location and Installation of Meters; Maintenance of Access to Meters," B.R.C. 1981, or for testing or inspection of backflow prevention assemblies under Section 11-1-25, "~~Duty to Maintain Backflow Prevention Assembly and Prevent Cross-Connection Control~~," B.R.C. 1981, and for inspection for cross-connections under Section 11-1-25, "~~Duty to Maintain Backflow Prevention Assembly and Prevention Cross-Connection Control~~," B.R.C. 1981, shall pay the following fees:

(a) Permit fee (stub, connection, enlargement, renewal, abandonment):

- (1) Water residential....\$127
- (2) Water nonresidential....169
- (3) Water private property repair....42
- (4) Irrigation residential....127
- (5) Irrigation nonresidential....169
- (6) Fire line residential....127
- (7) Fire line nonresidential....169
- (8) Main extension....326

...

(g) ~~Tests and inspections for b~~Backflow prevention assemblies program:

- (1) To test ~~or inspect~~ first backflow prevention assembly.....\$200
- (2) Each additional assembly test at same location....103
- (3) For ~~cross-connection inspection~~backflow prevention survey first hour...200

(4) For each additional hour conducting backflow prevention survey at same location....103

(5) To deliver water service termination notice for backflow violation....58

Section 2. Chapter 11-1, “Water Utility,” B.R.C. 1981, is amended to read as follows:

...

11-1-2. - Definitions.

For the purpose of this chapter and Chapter 11-2, “Wastewater Utility,” B.R.C. 1981, and the related fees in Chapter 4-20, “Fees,” B.R.C. 1981, the following words have the following meanings, unless the context clearly indicates otherwise:

Average Winter Consumption means the average number of gallons of water use per month reflected on a user’s water bill for the period covering the most recent consecutive months of December, January, February and March. For accounts registering no water use in one or more of the four monthly billing periods, an average shall be established using those months in which there was usage, historical use records or other available data.

...

Backflow means the reverse flow of water, fluid, or gas caused by back pressure or back siphonage.

Backflow prevention assembly means any mechanical assembly installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the mechanical assembly is appropriate for the identified contaminant at the cross-connection, is an in-line field-testable assembly, and is consistent with requirements of the City of Boulder Design and Construction Standards and/or approved by the city manager.

Backflow prevention method means any method and/or non-testable device installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the method or non-testable device is appropriate for the identified contaminant at the cross-connection.

Backflow prevention survey means a comprehensive inspection of new and existing potable water systems, fire line systems, irrigation systems, fixtures, and appliances, to determine the existence of actual or potential cross-connections, and to ensure that all actual or potential cross-connections are adequately protected by an appropriate backflow prevention assembly or method.

...

Cross-connection means any connection or arrangement, physical or otherwise, between a potable water system and any plumbing fixture or any tank, receptor, equipment, or device, through which it may be possible for contaminated water or other substances to enter into any part of such potable water system under any condition.

Developer means any person who participates in any manner in the development of land.

...

11-1-4. - Water User Agrees to the Rules of the Water Utility; ~~Penalty for Breach.~~

- (a) No person may be served with water from the water utility unless such person agrees to abide by all provisions of this code, all applicable ordinances of the city and all the rules and regulations of the city pertaining to the water utility.
- ~~(b) If any water user fails to pay the charges for water when due or fails to comply with any provision of this code, any applicable ordinance of the city or regulations issued thereunder, or uses water for a purpose not authorized, the city may discontinue water service until the water user has paid the required charges or is in compliance with all requirements of this code, any ordinance of the city or regulations issued thereunder. But the water utility may not discontinue water service until it has afforded a water user an opportunity for a hearing under the procedures prescribed by chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981.~~
- (b) No person may be served with water from the water utility unless such person consents to inclusion of property connected to the City water utility in the Northern Colorado Water Conservancy District and the Municipal Subdistrict thereof.

...

11-1-25. - ~~Duty to Maintain Backflow Prevention Assembly and Prevent Cross-Connection Control.~~

- (a) Purpose. The purpose of this section is to protect public health and safety by protecting the city water system from contamination or pollution due to cross-connections, and to develop a program for cross-connection control.
- (b) Scope and Application. No person shall violate any provision of this section or the City of Boulder Design and Construction Standards. No person shall fail to comply with all regulations promulgated by the city manager for the implementation of this chapter.
- (c) Property owner duty to maintain backflow prevention assembly and prevent cross-connections and backflow events.
- (1~~a~~) No owner of any property connected to the water utility shall allow any cross-connection to the water utility, unless there is provided an approved backflow prevention assembly commensurate to the potential hazard. No person working on a water line connected to the water utility shall make a cross-connection, unless there is provided an approved backflow prevention assembly commensurate to the potential hazard. ~~No person shall fail to comply with all regulations promulgated by the city manager for the implementation of this chapter.~~
- (2) No owner of any property that is required to have a backflow prevention assembly shall fail to submit to the city an annual backflow test report pursuant to the deadlines set forth in city manager regulations. If a property owner does not submit the backflow test report, in addition to other remedies, the city manager may complete a backflow test for a property and assess a backflow test fee. Such fee shall be a direct charge on the utility bill for the premises subject to this section for the recovery of costs related to the administration of this section. The charges for such services are

- prescribed in Section 4-20-23, "Water Permit Fees," B.R.C. 1981.
- (3) No owner of any property that is required to have a backflow prevention assembly shall fail to notify the city of a failed backflow test pursuant to the deadlines set forth in city manager regulations. In the event of a failed test, no person shall fail to repair, replace, and retest the backflow prevention assembly pursuant to the deadlines set forth in city manager regulations.
- (4b) No person shall tamper with, modify or in any way damage any backflow prevention assembly.
- (de) Prohibited Backflow Practices. No person shall manufacture, install, maintain or sell a backflow prevention assembly that does not meet the requirements of ~~section 5.11 of the~~ City of Boulder Design and Construction Standards.
- (ed) Surveys and Fees. ~~If an inspection backflow prevention survey is requested by an owner, or required by this section, or deemed necessary by the city manager, a backflow prevention survey assembly testing or inspection fee or a cross-connection control inspection fee shall be assessed. Such fee shall be a direct charge to owners or lessees of on the utility bill for the premises subject to this section for the recovery of costs related to the administration of this section and to the inspection and testing of such assemblies performed by the City. The charges for such services are prescribed in s~~Section 4-20-23, "Water Permit Fees," B.R.C. 1981.
- (f) Inspections Authorized. In order to ensure compliance with the requirements of this chapter, the City of Boulder Design and Construction Standards, or any approval granted under this chapter, or action taken to remedy any violation of such requirements or approval, the city manager has the authority, subject to the provisions and search warrant requirements in Section 2-6-3, "Creation, Jurisdiction, and Powers of the Municipal Court," B.R.C. 1981, to inspect any property, structure, or improvement.
- (g) Administrative Procedures and Remedies.
- (1) Notice of Violation. When the city manager finds that any person has violated or is violating any provision of this chapter, or any approval granted under this chapter, or the City of Boulder Design and Construction Standards, the city manager may serve upon such person a written notice stating the nature of the violation and an opportunity for a hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981. The notice may provide a reasonable time to cure the violation and may require the submission of a written plan for the correction and prevention thereof subject to approval by the city manager. Submission of the plan and completion of any related actions shall not relieve the person of any violations of this section occurring before or after receipt of the notice or prevent the city manager from taking any other enforcement action authorized under this section and chapter.
- (A) If the person fails to correct the violation as required by the notice, the city manager may take any one or more of the following actions to remedy the violation:
- (i) For an uncontrolled cross-connection or for failure to repair, replace, and retest after a failed backflow test:

- 1 a. The city manager may shut off water pursuant to Section 11-1-45,
2 “Water to Be Shut Off for Failure to Pay,” B.R.C. 1981. The city
3 manager may hold a threatened shut off in abeyance if the owner
4 presents and implements a plan approved by the city manager to
5 prevent further violations; and
- 6 b. If the owner does not follow the plan as described in subsection a.,
7 above, the city manager may shut off water pursuant to Section 11-1-
8 45, “Water to Be Shut Off for Failure to Pay,” B.R.C. 1981, and
9 issue a \$650 civil penalty that is due, payable, and collectable
10 pursuant to the provisions of this chapter, and will appear on the next
11 regular water bill. The city manager may hold the second threatened
12 shut off in abeyance if the owner presents and implements a revised
13 plan approved by the city manager to prevent further violations; and
- 14 c. If the owner does not follow the revised plan as described in
15 subsection b. above, the city manager may shut off water pursuant to
16 Section 11-1-45, “Water to Be Shut Off for Failure to Pay,” B.R.C.
17 1981, and issue a \$1500 civil penalty that is due, payable, and
18 collectable pursuant to the provisions of this chapter, and will appear
19 on the next regular water bill. The city manager may issue an
20 additional civil penalty of \$1500 for each subsequent failure to
21 follow a revised and approved compliance plan for the violation, and
22 that is due, payable, and collectable pursuant to the provisions of this
23 chapter, and will appear on the next regular water bill.

24 (ii) For failure to submit an annual backflow test:

- 25 a. The city manager may shut off water pursuant to Section 11-1-45,
 “Water to Be Shut Off for Failure to Pay,” B.R.C. 1981. The city
 manager may hold a threatened shut off in abeyance if the owner
 presents and implements a plan approved by the city manager to
 prevent further violations; and
- b. If the owner does not follow the plan as described in subsection a.,
 above, the city manager may shut off water pursuant to Section 11-1-
 45, “Water to Be Shut Off for Failure to Pay,” B.R.C. 1981, and
 issue a \$250 civil penalty that is due, payable, and collectable
 pursuant to the provisions of this chapter, and will appear on the next
 regular water bill. The city manager may hold the second threatened
 shut off in abeyance if the owner presents and implements a revised
 plan approved by the city manager to prevent further violations; and
- c. If the owner does not follow the revised plan as described in
 subsection b., above, the city manager may shut off water pursuant
 to Section 11-1-45, “Water to Be Shut Off for Failure to Pay,”

1 B.R.C. 1981, and issue a \$650 civil penalty that is due, payable, and
2 collectable pursuant to the provisions of this chapter, and will appear
3 on the next regular water bill. The city manager may issue an
4 additional civil penalty of \$650 for each subsequent failure to follow
5 a revised and approved compliance plan for the violation, and that is
6 due, payable, and collectable pursuant to the provisions of this
7 chapter, and will appear on the next regular water bill.

8 (2) Administrative Charges. To cover the costs of investigative inspections and staff time
9 to ascertain compliance with or violations of this section, the city manager may assess
10 administrative charges on the utility bill. The charges for such services are prescribed
11 in Section 4-20-23, "Water Permit Fees," B.R.C. 1981.

12 (3) Other Remedies. The city attorney may maintain an action for damages, declaratory
13 relief, specific performance, injunction, or any other appropriate relief in the District
14 Court in and for the County of Boulder for any violation of any provision of this
15 section or any approval granted under this section.

16 ...
17 **11-1-60. - Violations.**

18 (a) No person shall violate a provision of this chapter or the City of Boulder Design and
19 Construction Standards, which has the same force and effect as though fully set forth in the
20 Boulder Revised Code 1981.

21 (b) If any water user fails to pay the charges for water when due or fails to comply with any
22 provision of this chapter, any applicable ordinance of the city or regulations issued
23 thereunder, or uses water for a purpose not authorized, the city may discontinue water
24 service pursuant to 11-1-45, "Water to Be Shut off for Failure to Pay," B.R.C. 1981, until
25 the water user has paid the required charges or is in compliance with all requirements of this
26 chapter, any ordinance of the city or regulations issued thereunder. The water utility may not
27 discontinue water service until it has afforded a water user an opportunity for a hearing
28 under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981.

29 (c) Criminal Penalties. Violations of this chapter and the City of Boulder Design and
30 Construction Standards are punishable as provided in Section 5-2-4, "General Penalties,"
31 B.R.C. 1981.

32 Section 3. Chapter 11-2, "Wastewater Utility," B.R.C. 1981, is amended to read as
33 follows:

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1 **11-2-40. - Violations.**

2 (a) No person shall violate a provision of this chapter or the City of Boulder Design and
3 Construction Standards, which has the same force and effect as though fully set forth in the
4 Boulder Revised Code 1981.

5 (b) If any water user fails to pay the charges for water when due or fails to comply with any
6 provision of this chapter, any applicable ordinance of the city or regulations issued
7 thereunder, or uses water for a purpose not authorized, the city may discontinue water
8 service pursuant to 11-1-45, "Water to Be Shut off for Failure to Pay," B.R.C. 1981, until
9 the water user has paid the required charges or is in compliance with all requirements of this
10 chapter, any ordinance of the city or regulations issued thereunder. The water utility may not
11 discontinue water service until it has afforded a water user an opportunity for a hearing
12 under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981.

13 (c) Criminal Penalties. Violations of this chapter and the City of Boulder Design and
14 Construction Standards are punishable as provided in Section 5-2-4, "General Penalties,"
15 B.R.C. 1981.

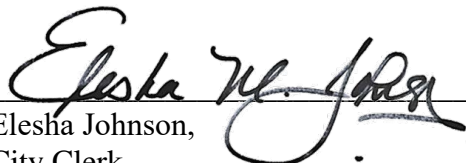
16 Section 4. This Ordinance is necessary to protect the public health, safety, and welfare of
17 the residents of the city and covers matters of local concern.

18 Section 5. The City Council deems it appropriate that this Ordinance be published by title
19 only and orders that copies of this Ordinance be made available in the office of the city clerk for
20 public inspection and acquisition.
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1 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY this 21st day of November 2024.

3
4 
5 Aaron Brockett,
Mayor

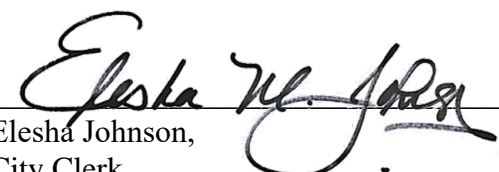
6 Attest:

7 
8 Elesha Johnson,
9 City Clerk

10 READ ON SECOND READING, PASSED AND ADOPTED this 5th day of December
11 2024.

12 
13 Aaron Brockett,
14 Mayor

15 Attest:

16 
17 Elesha Johnson,
18 City Clerk