

ORDINANCE NO. 2016-999

INTRODUCED BY: Chris Ceretto

AN ORDINANCE OF THE CITY OF FORT LUPTON, COLORADO AMENDING CHAPTER 13, ARTICLE IV, OF THE FORT LUPTON MUNICIPAL CODE TO ADOPT PUBLIC WORKS BACKFLOW PREVENTION / CROSS CONNECTION CONTROL PLAN

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, AS FOLLOWS:

WHEREAS, in 2015, State of Colorado Water Quality Control Commission revised Section 11.37 and of Regulation 11 which became the Backflow Prevention and Cross-Connection Control (BPCCC) Rule, located in Section 11.39 of Regulation 11, effective January 1, 2016; and

WHEREAS, all water suppliers must comply with the BPCCC Rule; and

WHEREAS, that the Department of Health and Environment will evaluate at will and during sanitary surveys; and

WHEREAS, the City of Fort Lupton wishes to provide for the preservation and promotion of the public health, welfare and safety of the inhabitants of the City and of the public and for the preservation and promotion of the convenience, good order, tranquility, prosperity, happiness, morals, best interest and general welfare of said people; and

WHEREAS, the intent is to protect the public water system from contaminants or pollutants that could enter the distribution system by backflow from a customer's water supply system through the service connection; and

WHEREAS, City Council deems it necessary to repeal and amend certain Sections of Chapter 13, Article VI of the Fort Lupton Municipal Code; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO:

Chapter 13, Article VI, Section 13-85 of the Fort Lupton Municipal Code is hereby amended as follows:

Sec. 13-85. – Backflow Prevention and Cross Connection Control Program.

(a) Purpose.

(1) The purpose of the Section and the Program adopted herein is to provide for the preservation and promotion of the public health, welfare and safety of the inhabitants of the City and of the public and for the preservation and promotion of the convenience, good order, tranquility, prosperity, happiness, morals, best interest and general welfare of

said people. The intent is to protect the public water system from contaminants or pollutants that could enter the distribution system by backflow from a customer's water supply system through the service connection.

(2) The Fort Lupton Backflow Prevention and Cross Connection Control Program is designed to provide the City procedures for the implementation, maintenance and enforcement of backflow prevention practices pursuant to federal and state regulations pertaining to cross-connection control.

(b) Pursuant to Title 31, Article 16, Parts 1 and 2, C.R.S., there is hereby adopted by reference the Fort Lupton Backflow Prevention and Cross Connection Control Program, prepared and maintained by the City Public Works. The City Clerk shall certify to the passage of this Section and make one (1) copy of the adopted plan available to the public during regular business hours.

(c) **Authority**
The authority to implement this program is contained in the following statute, legislation and regulations and acts:

(1) Article 1-114 and Article 1-114.1 of Title 25 of the Colorado Revised Statutes (CRS)

(2) Section 39 of 5 CCR 1002-11, Colorado Primary Drinking Water Regulations

(3) Colorado Plumbing Code

The Public Works Director shall have the authority to survey all service connections within the distribution system to determine if the connection is a cross-connection.

The Public Works Director shall have the authority to control all service connections within the distribution system if the connection is a cross-connection.

The Public Works Director shall maintain records of cross-connection surveys and the installation, testing and repair of all backflow prevention assemblies installed for containment and containment by isolation purposes.

Except as otherwise provided herein, the Public Works Director shall administer, implement and enforce the provisions of this Ordinance.

(d) **Applicability**
This Ordinance applies to all commercial, industrial and multi-family residential service connections within the public water system and to any persons outside the City who are, by contract or agreement with the public water system, users of the public water system. This Ordinance does not apply to single-family-residential service connections unless the Public Works Director becomes aware of a cross connection at the single family connection.

(e) Requirements

- (1) Commercial, industrial and multi-family service connections shall be subject to a survey for cross connections. If a cross connection has been identified an appropriate backflow prevention assembly and or method shall be installed at the customer's water service connection within 120 days of its discovery. The assembly shall be installed downstream of the water meter or as close to that location as deemed practical by the Public Works Director. If the assembly or method cannot be installed within 120 days the Public Works Director must take action to control or remove the cross connection, suspended service to the cross connection or receive an alternative compliance schedule from the Colorado Department of Public Health and Environment.
- (2) Backflow prevention assemblies and methods shall be installed in accordance with Chapter 3 of the City's Standards, the City's Construction Specifications and Colorado Plumbing Code.
- (3) The Public Works Director shall require inspection, testing, maintenance and as needed repairs and replacement of all backflow prevention assemblies and methods, and of all required installations within the owner's plumbing system in the cases where containment assemblies and or methods cannot be installed.
- (4) All costs for design, installation, maintenance, testing and as needed repair and replacement are to be borne by the customer.
- (5) No grandfather clauses exist except for fire sprinkler systems where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system.
- (6) For new buildings, all building plans must be submitted to the Public Works Director and approved prior to the issuance of water service.

(f) Inspection, Testing and Repair

- (1) Backflow prevention assemblies or methods shall be tested by a Certified Cross-Connection Control Technician upon installation and tested at least annually, thereafter. The tests shall be made at the expense of the customer.
- (2) Any backflow prevention assemblies or methods that are non-testable, shall be inspected at least once annually by a certified cross-connection control technician. The inspections shall be made at the expense of the customer.

(g) Reporting and Recordkeeping

- (1) Copies of records of test reports, repairs and retests, or replacements shall be kept by the customer for a minimum of three (3) years.
- (2) Copies of records of test reports, repairs and retests shall be submitted to the Public Works Director by mail, facsimile or e-mail by the testing company or testing technician.

(h) Right of entry

A properly credentialed representative of the Public Works Director shall have the right of entry to survey any and all buildings and premises for the presence of cross-connections for possible contamination risk to and for determining compliance with this section. This right of entry shall be a condition of water service in order to protect the

health, safety and welfare of customers throughout the public water system's distribution system.

(i) Compliance

(1) Customers shall cooperate with the installation, inspection, testing, maintenance, and as needed repair and replacement of backflow prevention assemblies and with the survey process. For any identified uncontrolled cross-connections, the Public Works Director shall complete one of the following actions within 120 days of its discovery:

- i. Control the cross connection
- ii. Remove the cross connection
- iii. Suspend service to the cross connection

(2) The Public Works Director shall give notice in writing to any owner whose plumbing system has been found to present a risk to the public waters system's distribution system through an uncontrolled cross connection. The notice and order shall state that the owner must install a backflow prevention assembly or method at each service connection to the owner's premises to contain the water service. The notice and order will give a date by which the owner must comply.

- i. In instances where a backflow prevention assembly or method cannot be installed, the owner must install approved backflow prevention assemblies or methods at all cross-connections within the owner's water supply system. The notice and order will give a date by which the owner must comply.

(j) Violations and Penalties.

Any violation of the provisions of this ordinance, shall, upon conviction be punishable as provided in all applicable statutes, laws, and regulations.

(k) Conflict with other codes.

If a dispute or conflict arises between the Colorado Plumbing Code as adopted herein, and any plumbing, mechanical, building, electrical, fire or other code adopted by the State, then the most stringent provisions of each respective code shall prevail.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 2nd day of May 2016.

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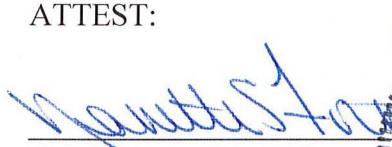
FINALLY READ BY TITLE ONLY, PASSED AND ORDERED FINALLY PUBLISHED by title only this 6th day of June 2016.

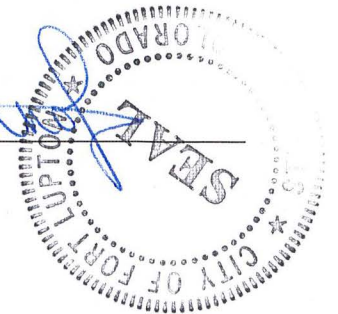
EFFECTIVE (after publication) the 15th day of July 2016.

CITY OF FORT LUPTON, COLORADO

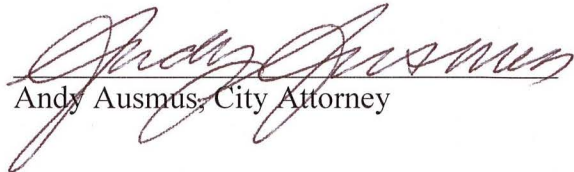

Tommy Holton, Mayor

ATTEST:


Nanette Fornof, MMC
City Clerk



Approved as to form:


Andy Ausmus, City Attorney