

**ORDINANCE NO. 01-2019**

**AN ORDINANCE REPEALING ORDINANCE #03-2004 AND RESOLUTION #09-2005 AND ADOPTING NEW REGULATIONS CONCERNING THE BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL PROGRAM FOR THE TOWN OF SEDGWICK**

**WHEREAS**, State regulations require the Town to adopt a backflow prevention and cross-connection control program; and

**WHEREAS**, the Town previously adopted Ordinance #03-2004 and Resolution #09-2005 addressing cross-connections and backflow prevention; and

**WHEREAS**, since the Town's adoption of such ordinance and resolution, the Colorado Department of Public Health and Environment (CDPHE) has adopted new regulations that necessitate an update to the Town's cross-connection and backflow prevention program; and

**WHEREAS**, the Board of Trustees desires to repeal Ordinance #03-2004 and Resolution #09-2005 and adopt and codify a new backflow prevention and cross-connection control program as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, COLORADO:**

**Section 1.** The Board of Trustees hereby repeals Ordinance #03-2004 and adopts of a new Ordinance No. 01-2019 to read as follows:

**Backflow Prevention and Cross Connection Control Program**

**1. Purpose.**

The purpose of this Ordinance is to protect the Town's 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. Authority.**

(a) The authority to implement this Ordinance is contained in State laws and regulations, including but not limited to, Article 1-114 and Article 1-114.1 of Title 25 of the Colorado Revised Statutes; Section 39 of 5 CCR 1002-11, Colorado Primary Drinking Water Regulations; and the Colorado Plumbing Code.

(b) The Town shall have the authority to survey all service connections within the distribution system to determine if the connection is a cross-connection.

(c) The Town may control any service connections within the distribution system in lieu of a survey as long as the service connection is controlled with an air gap or reduced pressure zone backflow prevention assembly.

(d) The Town may impose fees for the administration of this Ordinance by resolution of the Board of Trustees.

(e) The Town will 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.

(f) Except as otherwise provided herein, the Town shall administer, implement and enforce the provisions of this Ordinance.

### **3. Applicability.**

This Ordinance applies to all commercial, industrial and multi-family residential service connections within the Town's water system and to any persons outside the Town who are, by contract or agreement with the Town, users of the Town's water system. This Ordinance does not apply to single-family residential service connections unless the Town becomes aware of a cross connection at the single-family connection.

### **4. Definitions.** The following terms are defined below:

(a) "ACTIVE DATE" means the first day that a backflow prevention assembly or backflow prevention method is used to control a cross-connection in each calendar year.

(b) "AIR GAP" is a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel installed in accordance with standard AMSE A112.1.2.

(c) "BACKFLOW" means the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the public water systems distribution system from any source or sources other than its intended source.

(d) "BACKFLOW CONTAMINATION EVENT" means backflow into a public water system from an uncontrolled cross connection such that the water quality no longer meets the Colorado Primary Drinking Water Regulations or presents an immediate health and/or safety risk to the public.

(e) "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 and is an in-line field-testable assembly.

(f) "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.

(g) "CERTIFIED CROSS-CONNECTION CONTROL TECHNICIAN" means a person who possesses a valid Backflow Prevention Assembly Tester certification from one of the following approved organizations: American Society of Sanitary Engineering (ASSE) or the American Backflow Prevention Association (ABPA). If a certification has expired, the certification is invalid.

(h) "CONTAINMENT" means the installation of a backflow prevention assembly or a backflow prevention method at any connection to the public water system that supplies an auxiliary water system, location, facility, or area such that backflow from a cross connection into the public water system is prevented.

(i) "CONTAINMENT BY ISOLATION" means the installation of backflow prevention assemblies or backflow prevention methods at all cross connections identified within a customer's water system such that backflow from a cross connection into the public water system is prevented.

(j) "CONTROLLED" means having a properly installed, maintained, and tested or inspected backflow prevention assembly or backflow prevention method that prevents backflow through a cross connection.

(k) "CROSS CONNECTION" means any connection that could allow any water, fluid, or gas such that the water quality could present an unacceptable health and/or safety risk to the public, to flow from any pipe, plumbing fixture, or a customer's water system into a public water system's distribution system or any other part of the public water system through backflow.

(l) "MULTI-FAMILY" means a single residential connection to the public water system's distribution system from which two or more separate dwelling units are supplied water.

(m) "SINGLE-FAMILY" means (1) single dwelling which is occupied by a single family and is supplied by a separate service line; or (2) a single dwelling comprised of multiple living units where each living unit is supplied by a separate service line.

(n) "UNCONTROLLED" means not having a properly installed and maintained and tested or inspected backflow prevention assembly or backflow prevention method, or the backflow prevention assembly or backflow prevention method does not prevent backflow through a cross connection.

(o) "WATER SUPPLY SYSTEM" means a water distribution system, piping, connection fittings, valves and appurtenances within a building, structure, or premises. Water supply systems are also referred to commonly as premise plumbing systems.

## **5. Requirements.**

(a) 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 water system. If the assembly or method cannot be installed within 120 days, the Town has the authority to take action to control or remove the cross connection, suspend service to the cross connection or receive an alternative compliance schedule from the Colorado Department of Public Health and Environment.

(b) In no case, shall it be permissible to have connections or tees between the meter and the containment backflow prevention assembly.

(1) In instances where a reduced pressure principle backflow preventer cannot be installed, the owner must install approved backflow prevention devices or methods at all cross-connections within the owner's plumbing system.

(c) Backflow prevention assemblies and methods shall be installed in a location which provides access for maintenance, testing and repair.

(d) Reduced pressure principle backflow preventers shall not be installed in manner subject to flooding.

(e) Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principle backflow prevention

assemblies. Such discharge shall be conveyed in a manner which does not impact waters of the State.

(f) All assemblies and devices shall be protected to prevent freezing. Those assemblies and methods used for seasonal services may be removed in lieu of being protected from freezing. The devices must be reinstalled and then tested by a certified cross-connection control technician prior to the service being activated.

(g) Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, a device for controlling pressure shall be installed.

(h) All backflow prevention assemblies shall be tested at the time of installation and on an annual schedule thereafter. Such tests must be conducted by a certified cross-connection control technician.

(i) The Town will 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.

(j) All costs for design, purchase, installation, maintenance, testing and as needed repair and replacement shall be borne by the customer.

(k) 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.

(l) For new buildings, all building plans must be submitted to the Town and approved prior to the issuance of water service. Building plans must show:

(1) Water service type, size and location.

(2) Meter size and location.

(3) Backflow prevention assembly size, type and location.

(4) Fire sprinkler system(s) service line, size and type of backflow prevention assembly.

(i) All fire sprinkling lines shall have a minimum protection of an approved double check valve assembly for containment of the system.

(ii) All glycol (ethylene or propylene), or antifreeze systems shall have an approved reduced pressure principle backflow preventer for containment.

(iii) Dry fire systems shall have an approved double check valve assembly installed upstream of the air pressure valve.

(iv) In cases where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system the public water system will not require the backflow protection. The public water system will measure chlorine residual at the service connection once a month and perform periodic bacteriological testing at the site. If the Town suspects water quality issues, the Town will evaluate the practicability of requiring that the fire sprinkler system be flushed periodically.

## **6. Inspection, Testing and Repair**

(a) Backflow prevention devices 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.

(b) Any backflow prevention devices 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.

(c) As necessary, backflow prevention devices shall be repaired and retested or replaced and tested at the expense of the customer whenever the devices are found to be defective.

(d) Testing gauges shall be tested and calibrated for accuracy at least once annually.

## **7. Reporting and Recordkeeping**

(a) Copies of records of test reports, repairs and retests, or replacements shall be kept by the customer for a minimum of three (3) years.

(b) Copies of records of test reports, repairs and retests shall be submitted to the Town by mail, facsimile or e-mail by the testing company or testing technician.

(c) Information on test reports shall include, but may not be limited to: (i) Assembly or method type; (ii) Assembly or method location; (iii) Assembly

make, model and serial number; (iv) Assembly size; (v) Test date; (vi) Test results including all results that would justify a pass or fail outcome; (vii) Certified cross-connection control technician certification agency; (viii) Technician's certification number; (ix) Technician's certification expiration date; (x) Test kit manufacturer, model and serial number; and (xi) Test kit calibration date.

## **8. Right of entry.**

A properly credentialed representative of the Town or its designee 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 Ordinance. This right of entry shall be a condition of water service in order to protect the health, safety and welfare of customers throughout the Town's water distribution system.

## **9. Compliance.**

(a) 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 Town shall have the authority to complete one of the following actions within 120 days of its discovery:

- (i) Control the cross-connection
- (ii) Remove the cross-connection
- (iii) Suspend water service to the cross-connection
- (iv) Suspend water service to the property

(b) The Town shall give notice in writing to any owner whose plumbing system has been found to present a risk to the Town's water 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 with the order.

(i) In instances where a backflow prevention assembly or method cannot be installed, the owner must install approved backflow prevention devices 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 with the order.

(ii) In the event water service is suspended, the water customer and/or owner of the property to which the service is provided will be jointly and severally responsible for paying any cost and fees associated with recommencing water service in accordance with this Chapter.

**10. Violations; penalties.**

Every person who violates the provisions of this Ordinance shall be punished by a fine in an amount not to exceed two thousand six hundred and fifty dollars (\$2,650.00), as shall be adjusted for inflation from time to time pursuant to C.R.S. § 13-10-113, and each day such violation continues shall be considered a separate offense.

**Section 2.** If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

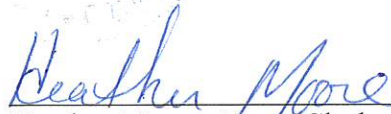
**Section 3.** All other ordinances, or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 4.** The repeal or modification of any provision of the Town of Sedgwick ordinances by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

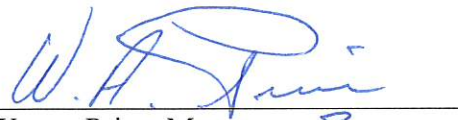
INTRODUCED, READ, VOTED ON, ADOPTED, APPROVED ON BY THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, SEDGWICK COUNTY COLORADO ON THIS 8<sup>TH</sup> DAY OF APRIL 2019, AND IS HEREBY ORDERED PUBLISHED BY "TITLE ONLY IN COMPLIANCE WITH ORDINANCE #01-2006, AND SHALL BECOME EFFECTIVE THIRTY (30) DAYS FOLLOWING THE PUBLICATION OF SUCH.



ATTEST:

  
Heather Moore, Town Clerk

TOWN OF SEDGWICK, COLORADO

  
Wayne Price, Mayor

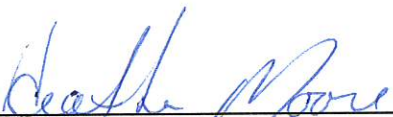


**PUBLIC NOTICE**  
**Town of Sedgwick**  
**ORDINANCE #01-2019**

AN ORDINANCE OF THE TOWN OF SEDGWICK REPEALING ORDINANCE #03-2004 AND RESOLUTION #09-2005 AND ADOPTING NEW REGULATIONS CONCERNING THE BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL PROGRAM FOR THE GTOWN OF SEDGWICK

INTRODUCED, READ, VOTED ON, ADOPTED AND APPROVED BY AFFIRMATIVE VOTE OF AT LEAST THREE-FORTHS OF THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, AT A REGULAR MEETING HELD THIS 8<sup>TH</sup> DAY OF APRIL 2019 AND IS HEREBY ORDERED PUBLISHED BY "TITLE ONLY" IN COMPLIANCE WITH ORDINANCE #01-2006

In compliance with Ordinance #01-2006 "Publish by Title Only", Ordinance #01-2019 shall be posted in its entirety at the Sedgwick Town Hall and at least two other conspicuous locations within the Town of Sedgwick for public inspection. A complete copy of any ordinance may be requested from and supplied by the Town Clerk with payment of the current application fee is allowed by C.R.S

  
\_\_\_\_\_  
Heather Moore, Town Clerk  
Town of Sedgwick



This notice of special meeting has been posted in at least Three (3) conspicuous locations within the city limits of the Town of Sedgwick at least 24 hours prior to the start of said meeting and is in full compliance with the "Open Meetings Law" of the State of Colorado Revised Statutes. Anyone requiring special accommodations due to physical handicap or physical impairment should call the Town Hall at 970-463-8814 AT LEAST 24 hours prior to the start of said meeting.