ORDINANCE NO.13, SERIES 2015
INTRODUCED BY: COUNCILOR STACI LUPBERGER

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES OF THE CITY OF LAFAYETTE COLORADO REGARDING THE CROSS CONNECTION CONTROL PROGRAM

WHEREAS, In 2005 the City enacted Chapter 34 of the Code of Ordinances which established the City's Cross Connection Control Program; and

WHEREAS, to stay abreast with industry standards and remain in compliance with the State's cross connection regulations the City desires to update the rules and regulations of its Cross Connection Control Program.

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

Section 1. Section 34-1, Legislative intent, of Article I, GENERAL PROVISIONS, of Chapter 34, CROSS CONNECTION CONTROL PROGRAM, of the Code of Ordinances of the City of Lafayette, Colorado, is amended to provide as follows:

Sec. 34-1. - Legislative intent.

It is the intent of the city council to protect the city's water distribution system from contamination or pollution by backflow from a property owner's internal distribution system or private water system, and to provide for the maintenance of a continuing program of cross connection control, which will systematically prevent the contamination or pollution of the city's water distribution system.

Section 2. Section 34-2, Adoption, Article I, GENERAL PROVISIONS, of Chapter 34, CROSS CONNECTION CONTROL PROGRAM, of the Code of Ordinances of the City of Lafayette, Colorado, is amended to provide as follows:

Sec. 34-2. - Adoption.

The city council adopts by reference the following manuals and standards:

(a) Colorado Cross-Connection Control Manual, 5th Edition, published in 2006 by the Colorado Department of Public Health and Environment, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, Colorado, 80246-1530.

(b) The Manual of Cross Connection Control, 10th Edition, published in October 2009 by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California, University Park, Los Angeles, California, 80089.

(c) The National Fire Protection Association standards: NFPA 13 - Standard for the Installation of Sprinkler Systems, 2013 Edition, and NFPA 24 - Standard for the Installation of Private Fire Service Mains and Their Appurtenances, 2013 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, 02169-7471.

(d) American Water Works Association C510-07, Standard for Double Check Valve Backflow-Prevention Assembly, and C511-07, Standard for Reduced Pressure Principle Backflow-Prevention Assembly.

Section 3. Section 34-3, Authority, Article I, GENERAL PROVISIONS, of Chapter 34, CROSS CONNECTION CONTROL PROGRAM, of the Code of Ordinances of the City of Lafayette, Colorado, is amended to provide as follows:

Sec. 34-3. - Authority.

In addition to the city's home rule powers, the authority to implement and maintain controls and regulations on cross connections is contained in the following legislation and regulations:

(a) Clean Water Act 33, United States Code (U.S.C.) § 1251 et seq. (1987).

(b) Safe Drinking Water Act; Title XIV - Safety of Public Drinking Water Systems of the Public Health Service Act, codified as 42 U.S.C. § 300f et seq. (1974), Public Law 104-182 Safe Drinking Water Act Amendments of 1996.

(f) Colorado Cross-Connection Control Manual, 5th Edition, published in 2006 by the Colorado Department of Public Health and Environment, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, Colorado, 80246-1530.

Section 5. Section 34-4, Responsibility, Article I, GENERAL PROVISIONS, of Chapter 34, CROSS CONNECTION CONTROL PROGRAM, of the Code of Ordinances of the City of Lafayette, Colorado, is amended to provide as follows:

Sec. 34-4. - Responsibility.

(a) The director of public works is hereby delegated the responsibility for implementing a cross connection control program in accordance with this chapter and for enforcement thereof. If a backflow prevention device is required at the city water service connection to any property owner's premises for the protection of the city water system, the director of public works shall give notice in writing to the property owner to install an approved

backflow prevention device at each service connection to the premises. The property owner shall install an approved device or devices at the owner's own expense.

(b) No provision of this chapter exempts the property owner from the cross connection control provisions for internal water distribution systems as set forth in the most current International Plumbing Code, adopted by reference in chapter 30 of the Code.

(c) The property owner is solely responsible for preventing pollutants and contaminants in water distributing pipes located within their property from entering the municipal potable water supply.

(1) The property owner's responsibility starts at the point of delivery and includes all of the connections to, and the operation of any domestic, irrigation, or fire sprinkler systems.

(2) The property owner is solely responsible for the purchase, installment and maintenance of any required backflow prevention device, and for ensuring that all initial and annual testing is completed per the requirements of this chapter.

(3) The property owner must keep accurate records of all tests, inspections and repairs for at least three (3) years. The property owner is required to provide the public works department with copies of these records upon request.

Section 5. Section 34-5, Definitions, of Article I, GENERAL PROVISIONS, of Chapter 34, CROSS CONNECTION CONTROL PROGRAM, of the Code of Ordinances of the City of Lafayette, Colorado, is amended to provide as follows:

Sec. 34-5. - Definitions.

Certified Backflow Prevention Assembly Tester means any person who has passed a State of Colorado certified or sponsored testing and inspection course, and who is listed by the State of Colorado as a certified backflow prevention assembly tester.

Compliance date means the day upon which such installation, testing, or repair shall be completed as set forth in Section 34-40.

Fire sprinkler system means an automatic sprinkler system for fire suppression that operates automatically when its heat-activated element is heated to its thermal rating or above, allowing water to discharge over a specified fire area and includes a device for actuating an alarm when the system is in operation.

Hazard, pollution means 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 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 means 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, system, pollution or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to, polluted or contaminated waters; all types of process water and "used waters" originating from the public water system which may have deteriorated in sanitary quality; chemicals in fluid form; cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, lakes, dams, ponds, retention pits, irrigation canals or systems, etc.; oils, gases, glycerin, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.

Passing test means a passing or satisfactory result of the testing procedures as set forth in the Colorado Cross-Connection Control Manual.

Point of delivery means the location of the water meter for in building water use, the location of the irrigation meter for outdoor water use, or the location of the fire sprinkler system tap into the city's water distribution system for fire system water use.

Property owner means any person who, alone, jointly or severally with others, or in a representative capacity (including, without limitation, an authorized agent, executor or trustee) has legal or equitable title to any property in question

Section 6. Section 34-26, Installation, Article II, REQUIREMENTS, of Chapter 34, CROSS CONNECTION CONTROL PROGRAM, of the Code of Ordinances of the City of Lafayette, Colorado, is amended to provide as follows:

Sec. 34-26. - Installation.

(g) In order to ensure that backflow prevention assemblies continue to operate satisfactorily, it is necessary that they be tested by a Colorado state certified backflow prevention assembly tester approved by the public works department, at the time of installation, and at least annually as required herein thereafter. Such test shall be conducted in accordance with the Colorado Cross-Connection Control Manual or the Manual of Cross-Connection Control performance standards and field test procedures as directed by the Colorado Department of Health. The backflow assembly test results, plumbing permit and test permit number shall be submitted to the public works department within five (5) days of the test, in the manner as prescribed in section 34-33 of this chapter.

(j) All fire sprinkling systems shall be equipped with appropriate backflow prevention assembly to protect the potable water supply:

(1) All glycol (ethylene or propylene) or antifreeze systems shall have an approved reduced pressure principal assembly for containment.

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

Section 7. Section 34-28, Standards, Article II, REQUIREMENTS, of Chapter 34, CROSS CONNECTION CONTROL PROGRAM, of the Code of Ordinances of the City of Lafayette, Colorado, is amended to provide as follows:

Sec. 34-28. - Standards.

Backflow prevention devices shall adhere to the following standards:

(a) Any backflow prevention assembly required herein shall be of a model and size approved by the public works department. The term approved backflow prevention assembly shall mean an assembly that has been manufactured in full conformance with the standards established by the manuals, standards and codes set forth in section 34-2 of this chapter.

(b) No backflow prevention assembly shall be installed in ground or below ground.

(c) Backflow assemblies used on fire lines shall have O.S. and Y. valves listed by Underwriter Laboratories (UL), Factory Manual (FM) and the National Fire Protection Association.

(d) Backflow prevention devices currently installed that are not approved or backflow devices of the incorrect type shall be replaced with an approved device within thirty (30) days of the effective date of this ordinance..

(e) Only backflow devices tested and certified by the following organization will be allowed to be installed:

Foundation for Cross Connection Control and Hydraulic Research
University of Southern California
University Park
Los Angeles, CA 90089-0231

Section 8. Section 34-30, Inspections, testing, and repair—Nonresidential connections, Article III, TESTING REQUIREMENTS, of Chapter 34, CROSS CONNECTION CONTROL PROGRAM, of the Code of Ordinances of the City of Lafayette, Colorado, is amended to provide as follows:

Sec. 34-30. - Inspections, testing, and repair—Nonresidential connections.

It is the responsibility of the property owner of all nonresidential connections to have certified inspections and operational tests made on the backflow prevention device upon installation and at least annually thereafter. The director of public works may require certified inspections at more frequent intervals. These inspections and tests shall be made at the expense of the property owner and will be performed by a certified backflow prevention assembly tester

approved by the director of public works. A backflow prevention device will be repaired or replaced at the expense of the property owner whenever a device is found to be defective.

(a) Annually, it will be the obligation of the property owner of any premises where any backflow prevention assemblies are installed to have a certified test made of the assemblies. In those specific instances where the public works department deems the hazard to be great enough, it will require certified inspection at more frequent intervals. The cost for any test under this section shall be at the property owner's expense. All tests shall be performed by a certified technician approved by the public works department.

(b) As necessary, the assembly shall be repaired or replaced and retested within five (5) business days at the expense of the property owner whenever the assembly or assemblies are found to be defective. The certified backflow assembly prevention tester shall notify the public works department of any defect or failure of annual testing with twenty four (24) hours of the test. Records or copies of same, of all such tests, repairs or replacement shall be kept by the tester of the assembly and the property owner, and a copy or copies shall be sent to the public works department within five (5) business days of the test, in the manner as prescribed in section 34-33 of this chapter.

(c) All testing gauges shall be kept in proper working condition and tested and calibrated for accuracy yearly, or more often in the event of questionable readings.

(d) The public works department retains the right to test or otherwise check the installation and operation of any containment assembly at any time.

(e) All fire sprinkler system backflow devices must be tested by a certified backflow prevention assembly tester who is registered as a Fire Suppression System Contractor – Backflow with the Colorado Department of Public Safety Division of Fire Prevention and Control.

(f) All fire sprinkler systems with chemical or antifreeze additives must drain to the sanitary waste water system, and not to the stormwater system, when being backflow tested and maintained

(g) This section shall also apply to all irrigation services.

Section 9. Section 34-31, Same—Residential connections, Article III, TESTING REQUIREMENTS, of Chapter 34, CROSS CONNECTION CONTROL PROGRAM, of the Code of Ordinances of the City of Lafayette, Colorado, is amended to provide as follows:

Sec. 34-31. - Same—Residential connections.

It is strongly encouraged that all residential water service connections have certified inspections completed annually on their irrigation backflow devices. All inspections and tests shall be made at the expense of the property owner and will be performed by a certified backflow

prevention assembly tester and reported in the manner as prescribed in section 34-33 of this chapter.

(a) All water service connections served by the city or a consecutive water system or water district served by the city that have any type of auxiliary water supply will be tested according to section 34-30 of this chapter.

(b) In those specific instances where the public works department deems that a hazard to the city water system exists, it will require a certified inspection to be completed within five (5) working days of written notification. Annual inspections shall be required until the public works director deems that a hazard no longer exists.

Section 10. Section 34-33, Reporting and record-keeping, Article III, TESTING REQUIREMENTS, of Chapter 34, CROSS CONNECTION CONTROL PROGRAM, of the Code of Ordinances of the City of Lafayette, Colorado, is amended to provide as follows:

Sec. 34-33. - Reporting and record-keeping.

The certified backflow prevention assembly tester will report on a form approved by the city, the results of inspections, tests, and maintenance to the director of public works and the property owner. This report will be submitted to the director of public works within five (5) business days following the completion of the inspection, test, or maintenance of the device. The report will be submitted to the public works department via e-mail, FAX or hand delivery and hand written reports are not acceptable. The certified tester shall also, on a tag approved by the city, attach a tag to the backflow prevention device following each inspection, test, or maintenance activity with the following information: date of test, device serial number and the State issued certification number of the backflow prevention assembly tester that performed the activities. Records of all inspections, tests, or maintenance activities, including materials and parts changed, shall be kept by the certified backflow prevention assembly tester, the property owner, and the director of public works for a period of not less than five (5) years.

Section 11. Section 34-40, Compliance and compliance dates, Article IV, ENFORCEMENT AND PENALTIES, of Chapter 34, CROSS CONNECTION CONTROL PROGRAM, of the Code of Ordinances of the City of Lafayette, Colorado, is amended to provide as follows:

Sec. 34-40. – Compliance, and compliance dates.

(a) Certified backflow prevention testers shall submit completed passing test forms for irrigation backflow systems to the public works department by no later than May 31st of each calendar year, and for domestic and fire backflow systems by no later than August 31st of each calendar year.

(b) Property owners shall be solely responsible for the installation, maintenance, testing or inspection of backflow prevention assemblies as set forth in this chapter. Failure to meet these requirements shall be grounds for the discontinuance of water service to the premises.

(c) Service of water to any premises may also be discontinued by the public works department if unprotected cross-connections exist on the premises, or if any defect is found in an installed backflow prevention assembly, or if a backflow prevention assembly has been removed, bypassed, not repaired, failed to be retested after repairs or for failure to perform the annual certification inspection. Service shall not be restored until such conditions or defects are corrected.

(d) Discontinuance of service may be summary, immediate and without notice whenever, in the judgment of the city administrator, the administrator's designated representative, or upon the recommendation of the public works director, such action is immediately necessary to protect the purity of the city's potable water supply or the safety of the city's water distribution system.

Section 12. If any article, section, paragraph, sentence, clause or phrase of this ordinance, as adopted herein, 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 City Council 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 13. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 14. The repeal or modification of any provision of the Code of Ordinances of Lafayette, Colorado 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. 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 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.

Section 15. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following the final publication of the ordinance.

INTRODUCED AND PASSED ON FIRST READING THIS 17th DAY OF MARCH, 2015.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 7th DAY OF APRIL, 2015.

CITY OF LAFAYETTE, COLORADO

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Christine Berg
Mayor

ATTEST:

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Susan Koster, CMC
City Clerk

APPROVED AS TO FORM:

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David S. Williamson
City Attorney