

**TOWN OF EATON, COLORADO
ORDINANCE NO. 619**

**AN ORDINANCE AMENDING SECTION III OF CHAPTER IX OF THE
EATON MUNICIPAL CODE CONCERNING ADOPTION OF A REVISED
CROSS-CONNECTION CONTROL PROGRAM**

WHEREAS, the Town of Eaton, Colorado (“Town”) is a municipal corporation duly organized and existing under the Constitution and laws of the State of Colorado; and

WHEREAS, the Town Board of Trustees (“Town Board”) is vested with the authority to administer the affairs of the Town; and

WHEREAS, Section III of Chapter IX of the Eaton Municipal Code (“Code”) regulates cross-connections between the Town’s potable and non-potable water systems; and

WHEREAS, Town staff recommends that the Town Board adopt a revised cross-connection control program to protect the Town’s public potable water supply from contamination or pollution resulting from backflow into the public water system, promote the elimination or control of existing cross-connections between potable and non-potable water systems, provide for the maintenance of a continuing program of cross-connection control and authorize the installation of backflow prevention devices when appropriate; and

WHEREAS, the Town Board desires to implement Town staff’s recommendations; and

WHEREAS, the Town Board finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, is promulgated for the preservation of public health, welfare, peace, safety and property and is in the best interests of the Town of Eaton.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF EATON, COLORADO, THAT:

Section 1. Repeal and Readoption of Section III of Chapter IX. Section III of Chapter IX of the Eaton Municipal Code is hereby be repealed in its entirety and readopted to read as follows in its entirety:

Section III Cross-Connection Control Program

Sec. 9-3-1 Purpose.

The purpose of this Section is to:

- (a) Protect the Town's public potable water supply from the possibility of contamination or pollution by isolating within the Town's customers' internal distribution system such contaminants or pollutants which could backflow or back-siphon into the public water system;
- (b) Promote the elimination or control of existing cross-connections, actual or potential, between the Town's customers' on-site potable water systems and non-potable systems;
- (c) Provide for the maintenance of a continuing program of cross-connection control that will effectively prevent the contamination or pollution of potable water systems by cross-connection; and
- (d) Provide that backflow prevention devices within structures, building and appurtenant plumbing will be regulated by the Town's plumbing code, as adopted and in effect from time to time, and in accordance with this Section.

Sec. 9-3-2 Authority.

- (a) The Town, as the water purveyor, has the primary responsibility and authority for preventing water from unapproved sources and for preventing any other substances from entering the Town's public water distribution system, pursuant to the Town's ordinances and applicable federal and state laws and rules and regulations.
- (b) The Town shall have the authority to:
 - (1) Implement and operate this cross-connection control program;
 - (2) Survey all service connections within the Town's public water distribution system to determine if the connection is a cross-connection;
 - (3) Control all service connections within the distribution system if the connection is a cross-connection; and
 - (4) Collect fees for the administration of this cross-connection control program.

Sec. 9-3-3 Responsibility for Enforcement.

The Town Administrator shall be responsible for the protection of the Town's public water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If the Town Administrator determines that an approved backflow device is required at the Town's water service connection to any customer's property, the Town Administrator shall provide written notice to said customer to install an approved backflow prevention device at each service connection to such customer's property. The customer shall install the approved device or devices at the customer's own expense within one hundred twenty (120) days of the receipt of the notice or the customer's water service may, in the Town Administrator's discretion, be discontinued until the proper device or devices are installed. The Town Administrator may delegate the duties and responsibilities set forth herein to qualified employees or agents of the Town, and references herein to Town Administrator shall, when such a delegation has been made, include such qualified employees or agents.

Sec. 9-3-4 Administration.

- (a) The Town shall operate a “cross-connection control program,” which includes, among other procedures, the provisions required by this Section and the required recordkeeping related to initial inspection, hazard level, initial device testing, yearly device testing and device replacement and similar measures.
- (b) Each property owner or customer located in the Town or served by the Town’s public water distribution system, or that has Town water facilities on such property, shall allow his or her property to be inspected for possible cross-connections, and such owner shall follow and comply with the provisions of this Section.

Sec. 9-3-5 General requirements.

The following requirements shall be met for all containment backflow prevention assemblies, required on identified hazardous cross connections:

- (a) Commercial, industrial, multi-family and institutional buildings shall have an approved reduced pressure zone assembly to isolate all building fixtures and taps from the Town’s water distribution system.
- (b) Backflow prevention assemblies shall be installed in an accessible location to facilitate maintenance, testing and repair. Drawings must show various installations.
- (c) Backflow prevention assemblies shall be installed on the customer side, following the water meter, at a Town approved location.
- (d) Backflow prevention assemblies shall be installed downstream of the water meter or as close to that location as deemed practical by the Town.
- (e) It shall not be permissible to have connections or tees between the meter and service line backflow prevention assembly, unless approved in writing by the Town.
- (f) Reduced pressure principle backflow preventers shall not be installed in a manner subject to flooding.
- (g) 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 that does not impact waters of the state.
- (h) Backflow prevention assemblies shall be protected to prevent freezing. Backflow prevention assemblies used for seasonal services may be removed in lieu of being protected from freezing. When reinstalled for seasonal services, the assemblies shall be properly tested.
- (i) Where a backflow prevention assembly 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.
- (j) The valves associated with backflow prevention devices shall not be used as the inlet or outlet valve of the water meter. Test cocks shall not be used as supply connections.
- (k) In order to ensure that backflow prevention assemblies continue to operate satisfactorily, the backflow prevention assemblies shall be tested at the time of installation and on an annual schedule thereafter. Such test shall be conducted in accordance with American Society of Sanitary Engineering (A.S.S.E.) and/or University of Southern California, Foundation of Cross-Connection Control and Hydraulic Research (U.S.C. F.C.C.C. and H.R.) performance standards

and field test procedures as directed by the Colorado Department of Public Health and Environment, as adopted and in effect from time to time.

- (l) All costs for design, installation, maintenance, repair and testing shall be borne by the customer.
- (m) All fire sprinkler systems shall conform to the applicable sections in the most-current edition of the National Fire Protection Association pamphlets and to the policies and procedures of the Eaton Fire Protection District.
- (n) For new buildings, building plans shall be submitted to the Town and approved prior to the issuance of water service. Building plans shall include:
 - (1) Water service type, size and location;
 - (2) Meter size and location;
 - (3) Backflow prevention assembly size, type and location; and
 - (4) Fire sprinkler system(s) service line, size and type of backflow prevention assembly.
 - a. All fire sprinkling lines shall have a minimum protection of an approved double check valve assembly for containment of the system;
 - b. All glycol (ethylene or propylene) or antifreeze systems shall have an approved reduced pressure principle backflow preventer for containment;
 - c. Dry fire systems shall have an approved double check valve assembly installed upstream of the air pressure valve; and
 - d. In cases where the installation of a backflow prevention assembly will compromise the integrity of the fire sprinkler system, the Town may elect not to require the backflow protection assembly. The Town shall measure chlorine residual at the location of the service connection once a month and perform periodic bacteriological testing at the site. If the Town suspects water quality issues, the Town shall evaluate the practicability of requiring that the fire sprinkler system be flushed periodically.
- (o) This Section shall not apply to single-family residential service connections unless the Town becomes aware of a cross connection at the single-family connection. For purposes of this Section, a single-family residence means: (i) a single dwelling occupied by a single family and supplied by a separate water service line, (ii) a single dwelling comprised of multiple living units where each living unit is supplied by a separate water service line or (iii) two separate single living units supplied by a common water service line.
- (p) All identified hazardous cross-connections to the Town's public water distribution system shall conform to, or be brought into conformance with, the requirements of this Section within one hundred twenty (120) days of receipt of notice from the Town.

Sec. 9-3-6 Standards for backflow prevention assemblies.

Any backflow prevention assembly required herein shall be a model and size approved by the Town. Only approved backflow prevention assemblies shall be used. The term "approved backflow prevention assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by the latest version of the Colorado Department of Public Health and Environment Cross-Connection Control Manual. Final approval shall be evidenced by a "certificate of approval" issued by an approved testing laboratory certifying full compliance with Colorado Department of Public Health and Environment standards and A.S.S.E. and/or U.S.C. F.C.C.C. and H.R. specifications. The following testing laboratories are qualified to test and certify backflow prevention assemblies, and an assembly being listed on their periodic approved list shall constitute meeting all of the above requirements:

1. A.S.S.E., American Society of Sanitary Engineering, 28901 Clemens Road, Suite 100, Westlake, Ohio 44145.
2. U.S.C. Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, OHE 430-D University Park-MC, 1453, Los Angeles, California 90089-14534.2.

In addition, the Town Administrator may provide written approval of testing laboratories other than the laboratories listed above.

Sec. 9-3-7 Installations.

The following requirements shall apply with respect to installation of any backflow prevention assembly:

- (a) Backflow prevention assemblies shall be installed by a licensed plumber and in accordance with the specifications of the Town plumbing code, as adopted and in effect from time to time.
- (b) Backflow prevention assembly installations shall be inspected, tested and approved for use by the Town.
- (c) Backflow prevention assemblies shall be installed in the horizontal position unless a variance is obtained for other installation pursuant to the variance procedures applicable to the Town's plumbing code. Any variance granted may include specifications for vertical installation and may contain such other terms and conditions as are determined necessary by the Town.
- (d) A single check valve is not considered to be a backflow prevention assembly.
- (e) Reduced pressure backflow prevention devices shall be installed above ground. The unit shall be placed at least twelve (12) inches above finish grade to allow clearance for the repair work. A concrete slab at finish grade is recommended. Proper drainage shall be provided for the relief valve and drainage may be piped away from the location, provided that the valve and drain line are readily visible from above grade and provided that the relief valve is separated from the drain line by a minimum of double the diameter of the supply line. A modified vault installation may be used if constructed with ample side clearances. Precautions shall be taken to protect above ground installations from freezing and damage, and the Town may impose installation specifications upon an installation to protect the same from freezing or damage, and to protect the Town's public water system and water supply.

Sec. 9-3-8 Testing and maintenance.

The following requirements shall apply with respect to testing and maintenance of cross-connection assemblies:

- (a) The property owner and the customer at any premises where backflow prevention assemblies are installed shall obtain a certified test of the assemblies at least once per year. Such duty shall be a joint and several obligation of the property owner and the customer. If the Town Administrator deems the hazard to be great enough, the Town Administrator may require certified inspections and testing at more frequent intervals. The certified tests shall be at the expense of the property owner and the customer and shall be performed by a certified cross-connection control technician approved by, and in good standing with, the Colorado Department of Public Health and Environment and the Town. In addition, an inspection of the backflow prevention assembly may be performed at any time pursuant to the right-of-entry procedures contained in Section 9-3-9.
- (b) Backflow prevention assemblies shall be repaired or replaced by a licensed plumber at the expense of the property owner and the customer whenever the assembly is found to be defective. Records of all such tests, repairs or replacements shall be kept for three years by the property owner and the customer and by the Town.
- (c) Existing backflow prevention assemblies shall be tagged by the technician performing the test at the completion of the test, showing the names of the technician and date of test.
- (d) All testing equipment used in the testing of backflow prevention assemblies shall be checked for accuracy yearly, or more often, and the proof of compliance shall be submitted to the Town.
- (e) The Town retains the right to test or otherwise check the installation and operation of any containment assembly at any time to assure proper operation.
- (f) Copies of records of test reports, repairs and retests shall be submitted by the testing company or testing technician to the Town by hand-delivery or certified mail. Submission may also be by electronic mail upon confirmation of receipt by the intended recipient.

Sec. 9-3-9 Right of entry.

A properly credentialed Town representative shall have the right of entry to survey all buildings and premises for the presence of cross-connections for possible contamination risk and for determining compliance with this Section. This right of entry shall be a condition of the Town's water service to protect the health, safety and welfare of customers throughout the Town's public water system distribution system. The customer shall work cooperatively with the Town to schedule an inspection. Questions regarding proper credentials should be directed to the Town Administrator.

Sec. 9-3-10 Violations.

- (a) Failure of a property owner or customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention assemblies as required by this Section shall be grounds for the discontinuance of water service to the premises or the requirement of installation of an air-gap separation from the public potable water system.
- (b) The Town Administrator may discontinue water service to any premises within the Town if unprotected cross-connections exist on the premises. When a defect is found in an installed backflow prevention assembly, or if a backflow prevention assembly has been removed or bypassed, the Town Administrator may discontinue water service until such conditions or defects are corrected.

- (c) In the Town Administrator's discretion, the discontinuance of service may be summary, immediate and without written notice when such action is necessary to protect the purity of the public potable water supply, the safety of the Town's public water distribution system or the health, safety and welfare of members of the public.
- (d) It shall be unlawful for any person to violate any provision of this Section. In addition to the discontinuance of water service or other action taken by the Town Administrator, a person who violates the provisions of this Section shall be subject to the penalties set forth in Section III of Chapter 1 of the Code. The Municipal Court is further authorized to enter orders for injunctive relief to require compliance with this Section.

Sec. 9-3-11 Conflict with Other Codes.

If a conflict exists between this Section and any of the uniform building codes adopted pursuant to Section I of Chapter 6 of the Code, then the most stringent provisions of each respective code shall apply.

Section 2. Severability. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

Section 3. Code revisions. Minor changes such as the format and other changes to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content will be altered by such changes.

Section 4. Effective Date. This Ordinance shall be effective thirty (30) days after its publication. The Town Clerk shall certify the date of publication and such certification shall be maintained with the original of this Ordinance. The Town Clerk shall make not less than three copies of the adopted Town Code available for inspection by the public during regular business hours.

INTRODUCED, AND APPROVED on first reading by the Board of Trustees of the Town of Eaton, Colorado, this 16th day of September, 2021.

TOWN OF EATON, COLORADO

ATTEST:

By: _____
Margaret Jane Winter, Town Clerk

By: _____
Scott E. Moser, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Board of Trustees of the Town of Eaton, Colorado, this 21st day of October, 2021.

TOWN OF EATON, COLORADO

ATTEST:

By: _____
Margaret Jane Winter, Town Clerk

By: _____
Scott E. Moser, Mayor