

**CITY OF CREEDE, COLORADO
ORDINANCE NO. 438**

**AN ORDINANCE OF THE CITY OF CREEDE, COLORADO AMENDING THE
REQUIREMENTS FOR BACKFLOW PREVENTION AND CROSS CONNECTIONS
WITHIN CHAPTER 13 (“MUNICIPAL UTILITIES”) OF THE MUNICIPAL CODE OF
THE CITY OF CREEDE, COLORADO TO CONFORM WITH THE PROVISIONS OF
THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
REGULATION 11**

WHEREAS, pursuant to CRS §31-15-103 the City of Creede, Colorado has the power to make and publish ordinances which are necessary to promote and improve the health, prosperity, comfort and convenience of the citizens of Creede; and

WHEREAS, the Board of Trustees desires to adopt a backflow prevention and cross connection policy in order to safeguard the Town’s potable water supply from contamination by pollutants that might enter the water distribution system by backflow from an unprotected customer service line in conformance with the provisions of CDPHE Regulation 11;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, AS FOLLOWS:

Section 1. Section 13-4-20 (b) of the Municipal Code of the City of Creede, Colorado is repealed in its entirety and replaced with the following:

Sec. 13-4-20 (b). Backflow Prevention Devices/Cross Connection Control.

(1) Purpose.

- a. To protect the City's potable water supply from the possibility of contamination or pollution by isolating within the customer's internal distribution systems or the customer's private water systems such contaminants or pollutants that could backflow into the public water system.
- b. To promote the elimination of existing cross-connections, actual or potential, between the customer's on-site potable water systems and non-potable water systems, and plumbing fixtures.
- c. To provide for the maintenance of a continuing program of back flow prevention and cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.

(2) Definitions.

As used in this Article, the following terms shall have the meanings indicated:

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.

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.

Approved means accepted by the authority responsible as meeting an applicable specification stated or cited in this Article or as suitable for the proposed use.

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.

Backflow contamination event means the 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.

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.

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.

Backpressure means a pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or any other means that may cause backflow.

Backsiphonage means backflow caused by negative or reduced pressure in the supply piping.

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.

Contamination 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.

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.

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 the City's water system's distribution system or any other part of the public water system through backflow.

Hazard, degree of is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

Hazard, health means a cross-connection or potential cross-connection involving any substance that could, if introduced into the potable water supply, cause death or illness, spread disease, or have a high probability of causing such effects.

Hazard, non-health means a cross-connection or potential cross-connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, if introduced into the potable water supply.

Multi-family means a single residential connection to the public water system's distribution system from which two (2) or more separate dwelling units are supplied water.

Pollution means the presence of any foreign substance in water that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water.

Service connection means the terminal end of a service connection from the public potable water system, that is, where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow prevention assembly located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

Single family means:

- (1) A 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.

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.

Water, non-potable means water that is not safe for human consumption or that is of questionable quality.

Water, potable means water that is safe for human consumption as described by the public health authority having jurisdiction.

(3) Backflow Prevention / Cross Connection Requirements.

- a. An approved backflow prevention assembly shall be installed on water service lines to all commercial, industrial, and multi-family water system connections that require one pursuant to the provisions of this ordinance.
 - i. The following commercial, industrial, and multi-family uses shall install a backflow prevention device:
 1. Dry cleaning and laundries
 2. Mortuaries;
 3. Hair salons;
 4. Laboratories;
 5. Auto repair shops;

6. Car washes;
7. Bulk fill water stations;
8. Restaurants;
9. Hospitals, dental facilities, medical facilities and clinics, and blood banks;
10. Veterinary, pet stores, and livestock facilities;
11. Manufacturing facilities;
12. Green houses and agricultural commerce; and
13. Other commercial and industrial service connections that contain any of the following plumbing arrangements or systems:
 - (a) Fire suppression systems;
 - (b) Irrigation systems including dedicated irrigation connected directly to the water main;
 - (c) Chemical process systems, including chemicals connected for temporary maintenance;
 - (d) Hydronic heating and cooling systems, industrial boilers, chillers, cooling towers, double wall heat exchangers and solar panels; and
 - (e) Auxiliary water sources, display fountains, hot tubs, pools, reclaimed water systems, graywater systems and onsite storage tanks.

ii. Appropriate Backflow Prevention Assembly or Method Required.

1. All backflow prevention devices required under this Section shall comply with the provisions of Town's currently adopted plumbing code.
2. The term *approved backflow-prevention assembly* shall mean an assembly that has been manufactured in full conformance with the standards established by the following: American Water Works Association (AWWA), American Society of Safety Engineers (ASSE), Canadian Standards Association (CSA), and/or the American Society of Mechanical Engineers (ASME).

iii. Inspection, Testing and Repair.

1. Backflow prevention devices or methods shall be tested by a Certified Cross-Connection Control Technician upon installation and tested at least once annually, thereafter. Said tests shall be conducted at the expense of the customer.
2. 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.
3. 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.

4. Testing gauges shall be tested and calibrated for accuracy at least once annually.
5. Copies of test reports, repairs and retests, or replacements shall be kept by the customer for a minimum of three (3) years.
6. Copies of test reports, repairs and retests, and/or replacements shall be submitted to the City in person, by mail, or by email within three (3) business days from the testing company or testing technician.
7. Information on test reports shall include, at a minimum:
 - (a) Assembly or method type;
 - (b) Assembly or method location;
 - (c) Assembly make, model and serial number;
 - (d) Assembly size;
 - (e) Test date;
 - (f) Test results including all results that would justify a pass or fail outcome;
 - (g) Certified cross-connection control technician certification agency;
 - (h) Technician's certification number;
 - (i) Technician's certification expiration date;
 - (j) Test kit manufacturer, model and serial number; and
 - (k) Test kit calibration date;

iv. Surveys.

1. All commercial, industrial, and multi-family service connections shall be subject to a survey for cross connections issued by the City. If said survey indicates that a backflow prevention device is required pursuant to the provisions of this Section, an appropriate backflow *prevention* assembly and/or method shall be installed at the customer's water service connection, at the sole expense of the owner, within one hundred twenty (120) days of notice.
2. The City Manager or designee shall have the right of entry to review and/or perform a survey on 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 City water system's distribution system.

v. Backflow Prevention Device Location.

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

2. The assembly shall be installed downstream of the water meter on the customer's property, if applicable, or in a location deemed practical by the certified technician, subject to approval by the City.
3. In no case shall it be permissible to have connections or tees between the meter, if applicable, and the containment backflow prevention assembly. In instances where a reduced pressure principal 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.

vi. Violations.

1. If a backflow prevention device is required to be installed pursuant to the provisions of this ordinance, the City shall give notice in writing to the owner of the water supply 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. The notice and order shall give the owner one hundred twenty (120) days to install the required device or method. If the assembly or method is not installed within one hundred twenty (120) days of notice, the City shall discontinue water service to the premises until such requirements have been satisfactorily met as determined by the City.
2. 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 such respective code shall prevail.

Section 2. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

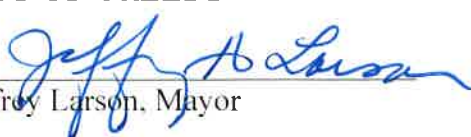
Section 4. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the City of Creede or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS
22ND DAY OF MARCH 2022.**

ATTEST:


Sarah Elthim-Williamson, City Clerk

CITY OF CREEDE

By 
Jeffrey Larson, Mayor