

ORDINANCE NO. 17

Series 2016

AN ORDINANCE AMENDING TITLE 12 OF THE BRECKENRIDGE TOWN CODE
CONCERNING THE TOWN'S MUNICIPAL WATER SYSTEM

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
COLORADO:

Section 1. Chapter 3 of Title 12 of the Breckenridge Town Code, entitled "Cross-connections," is repealed and readopted with changes to read as follows:

CHAPTER 3

CROSS-CONNECTIONS

SECTION:

- 12-3-1: PURPOSE
- 12-3-2: TOWN AUTHORITY
- 12-3-3: APPLICABILITY
- 12-3-4: DEFINITIONS
- 12-3-5: REQUIREMENTS
- 12-3-6: INSPECTION, TESTING, AND REPAIR
- 12-3-7: REPORTING AND RECORDKEEPING
- 12-3-8: RIGHT OF ENTRY
- 12-3-9: COMPLIANCE
- 12-3-10: CONFLICT WITH OTHER CODES

- A. 12-3-1: PURPOSE: The purpose of this Chapter is to protect the Town from contaminants or pollutants that could enter the Town's water system by backflow from an owner's water supply system through the service connection. This Chapter is enacted to comply with Regulation No. 11 – Colorado Primary Drinking Water Regulations issued by the Colorado Department of Public Health and Environment, and found at 5 CCR 1002-11.

12-3-2: TOWN AUTHORITY:

- A. The Town shall have the authority to survey all service connections within the Town's water system to determine if the connection is a cross-connection.
- B. The Town shall have the authority to control all service connections within the Town's water system if the connection is a cross-connection.
- C. The Town may control any service connections within the Town's water 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 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.

12-3-3: **APPLICABILITY:** This Chapter applies to the following classes of uses of the Town's water system: (i) all nonresidential uses; (ii) all mixed uses; (iii) all residential uses, except for single-family residential uses; provided, however, if the Town becomes aware of a cross-connection at a specific single family residential use, then this Chapter shall apply to such single family residential use; and (iv) bulk water sold by the Town. This Chapter also applies to all out of Town water users as provided in Section 12-5-2 of this Chapter.

12-3-4: **DEFINITIONS:** The definitions set forth in Section 12-1-6 of this Title are incorporated herein by reference. Unless the context clearly requires otherwise, the following words and phrases used in this Chapter shall have the following meanings:

- ACTIVE DATE:** 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:** 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.
- BACKFLOW:** The undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the Town's water system from any source or sources other than its intended source.
- BACKFLOW CONTAMINATION EVENT:** Backflow into the Town's 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:** 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:** 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.
- CERTIFIED CROSS-CONNECTION CONTROL TECHNICIAN:** 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.

CONTAINMENT:

The installation of a backflow prevention assembly or a backflow prevention method at any connection to the Town's water system that supplies an auxiliary water system, location, facility, or area such that backflow from a cross-connection into the Town's water system is prevented.

CONTAINMENT BY ISOLATION:

The installation of backflow prevention assemblies or backflow prevention methods at all cross-connections identified within an owner's water system such that backflow from a cross-connection into the Town's water system is prevented.

CONTROLLED:

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:

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 an owner's water system into the Town's water system or any other part of the Town's water system through backflow.

SINGLE-FAMILY RESIDENTIAL USE:

A single dwelling which is occupied by a single family and is supplied by a separate service line; or a single dwelling comprised of multiple living units where each living unit is supplied by a separate service line.

UNCONTROLLED:

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 DIVISION MANAGER:

The Town's Water Division Manager, or such person's designee.

WATER SUPPLY SYSTEM:

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.

12-3-5: REQUIREMENTS:

- A. All properties that are connected to the Town's water system, except single-family residential uses without a fire suppression system, 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 owner's water service connection within one hundred twenty (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 Town. If the assembly or method cannot be installed within one hundred twenty (120) days the Town must 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 the 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 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.
- J. All costs for design, installation, maintenance, testing and as needed repair and replacement are to be borne by the owner.

- 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's building official and approved prior to the connection to the Town's water system. Building plans must show:
 - 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.
 - (d) In cases where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system the Town will not require the backflow protection. The Town 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.

12-3-6: INSPECTIONS, 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 owner.
 - 1. Any backflow prevention device or method that is 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 owner.
- B. Within one hundred twenty (120) days of a failed test, the backflow prevention devices shall be repaired and retested or replaced and tested at the expense of the owner. If not properly repaired or replaced and tested within one hundred twenty (120) days of a failed test, the Town has to authority to complete one of the following actions:
 - 1. Control the cross-connection;
 - 2. Remove the cross-connection; or
 - 3. Suspend water service to the water using property where the cross-connection is located.
- C. Testing gauges shall be tested and calibrated for accuracy at least once annually.

12-3-7: REPORTING AND RECORDKEEPING:

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

- B. Copies of records of test reports, repairs and retests shall be submitted to the Town via www.trackmybackflow.com by the testing company or testing technician.
- C. Test reports shall contain the following information:
 - 1. Assembly or method type;
 - 2. Assembly or method location;
 - 3. Assembly make, model and serial number;
 - 4. Assembly size;
 - 5. Test date
 - 6. Test results including all results that would justify a pass or fail outcome;
 - 7. Certified cross-connection control technician certification agency;
 - 8. Technician's certification number;
 - 9. Technician's certification expiration date;
 - 10. Test kit manufacturer, model and serial number;
 - 11. Test kit calibration date; and
 - 12. Such other information as the Water Division Manager shall require.

12-3-8: RIGHT OF ENTRY: Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever the Water Division Manager has reasonable cause to believe that there exists in any building or upon any premises any condition or violation which is in violation of this Chapter, the Water Division Manager may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Water Division Manager by this Chapter; provided, that if such building or premises is occupied, the Water Division Manager shall first present proper credentials and request entry; and if such building or premises is unoccupied, the Water Division Manager shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Water Division Manager shall have recourse to every remedy provided by law to secure entry. When the Water Division Manager shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Water Division Manager for the purpose of inspection and examination pursuant to this Chapter.

12-3-9: 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 complete one of the following actions within one hundred twenty (120) days of its discovery:
 - 1. Control the cross-connection
 - 2. Remove the cross-connection
 - 3. Suspend service to the cross-connection
- B. The Town shall give notice in writing to any owner whose plumbing system is in violation of this Chapter as a result of 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.
 - 1. 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.

12-3-10: CONFLICT WITH OTHER CODES: If there is a conflict between the provisions of this Chapter and any code adopted by reference in Chapter 1 of Title 8 of this Code, then the most stringent provisions shall prevail.

Section 2. Section 12-5-5 of the Breckenridge Town Code is amended to read as follows:

12-5-5: PLANT INVESTMENT FEES (PIFs):

An owner desiring to obtain water service from the water system to serve any area outside the corporate limits of the town shall pay to the town a plant investment fee (PIF) in an amount equal to one and one fourth (1.25) times the in town PIF rate as specified in section 12-4-3 of this title. PIFs for out of town water service shall be determined in the same manner as PIFs for in town water service are calculated.

Section 3. Section 12-6-10(A) of the Breckenridge Town Code is amended to read as follows:

- A. It is unlawful and a misdemeanor municipal offense for any person to violate any provision of the Title. Except as otherwise provided in this Title, every person convicted of a violation of any provision of this Title shall be punished as provided in Section 1-4-1 of this Code.

Section 4. Except as specifically amended by this Chapter, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 5. The Town Council finds, determines, and declares that it has the power to adopt this Chapter pursuant to: (i) Section 31-35-402(1)(b), C.R.S; (ii) Regulation No. 11 – Colorado Primary Drinking Water Regulations issued by the Colorado Department of Public Health and Environment, and found at 5 CCR 1002-11; (iii) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (iv) the powers contained in the Breckenridge Town Charter.

Section 6. The Town Council finds, determines, and declares that it has the power to adopt this Chapter pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 7. This Chapter shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this 14th day of June, 2016.

This ordinance was published in full on the Town of Breckenridge website on June 15, June 16, June 17, June 18 and June 19, 2016.

A public hearing on this ordinance was held on June 28, 2016.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 28th day of June, 2016. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

_____/s/_____
Helen Cospolich, Town Clerk

_____/s/_____
Eric S. Mamula, Mayor

APPROVED IN FORM

_____/s/_____
Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on June 30, July 1, July 2, July 3 and July 4, 2016. This ordinance shall become effective on August 3, 2016.