

**CITY OF BRIGHTON
CITY COUNCIL ORDINANCE**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING, REPEALING AND ADOPTING SPECIFIED SECTIONS AND SUBSECTION OF CHAPTER 15, BUILDINGS AND CONSTRUCTION, OF THE BRIGHTON MUNICIPAL CODE; AND, SETTING FORTH DETAILS IN RELATION THERETO.

ORDINANCE NO.: 2261

INTRODUCED BY: Humbert

WHEREAS, certain amendments have been proposed by the Utilities Department to Chapter 15, **Buildings and Construction** in its efforts to update, clarify and render more efficient, the existing Chapter 15; and

WHEREAS, specifically the proposed changes include,

- a) amending hazard-type definitions;
- b) tightening regulations and addressing owners responsibilities with backflow prevention assemblies; and
- c) other details related to the foregoing.

WHEREAS, the City Council finds and determines that Chapter 15 of the Brighton Municipal Code related to the City building and construction provisions and should be amended to update, clarify and render more efficient the applicable terms and provisions thereof as recommended by the Utilities Department and the City Manager; and

WHEREAS, The City Council finds that the amendments to Chapter 15 as adopted herein are in the best interest of the public health, safety and welfare.

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

Section 1. The following subsections of Section 15-36-40, **Cross connection control program** of Article 15-36, adopting the 2012 International Plumbing Code, Chapter 15, **Building and construction** of the Brighton Municipal Code are repealed, repealed and reenacted or added as herein provided:

Section 15-36-40 Cross connection control program

"(a)(1) is repealed and reenacted to read as follows:

(a) Administration

- (1) General. The Administrative Authority will operate a cross-connection control program, including the keeping of necessary records, which fulfills the requirements of the State of Colorado Department of Public Health and

Environment, Water Quality Division and Sections 24-4-104, 24-4-105, 25-1-107, 25-1-108, 25-1-109 and 25-1-114, C.R.S. (1973) as amended)

(See Regulation 11.39 and backflow prevention and cross-connection control requirements specified in Article 1-114 and Article 1-114.1 of Title 25 of the Colorado Revised Statutes and in the Colorado Plumbing Code.)

(a)(3) is repealed and reenacted to read as follows:

- (3) ~~Program to begin in 1996. Beginning in 1996,~~ The Administrative Authority will conduct a survey of existing water services in conjunction with initial premise inspections to determine the nature of existing or potential hazards. Initial focus will be on high health hazard industrial and commercial water premises followed by those premises presenting a low non-health hazard to all non-single family residential properties.

(a)(4) is repealed

- ~~(4) Degree of hazard. The City recognizes the threat to the public potable water supply system arising from cross connections. All threats will be classified by degree of hazard and will require the installation of an approved backflow preventer in a location approved by the Administrative Authority.~~

~~"a. High hazard. Cross connections that present a threat of contamination (see definition for *contamination*) are considered to be high hazard. Identification of specific high hazard water services will be conducted during initial premises survey and inspection to begin in 1993.~~

~~"b. Low hazard. Cross connections that present a threat of pollution (see definition for *pollution*) are considered to be low hazard.~~

(a)(5) is repealed and reenacted to read as follows

- (5) Appeals. Appeals by the owner from decisions of the Administrative Authority relative to the administrative provisions of this Code may not be made to the Board of Appeals. All appeals must be directed to the State of Colorado Department of Public Health and Environment, Water Quality Division.

"Note: Since federal and state laws supersede local regulations, appeals from such regulations must be made to the appropriate authority, in this case, the State of Colorado.

(b) Definitions

(b)(4) is repealed and reenacted to read as follows:

- (4) *Backflow prevention device Assembly.* A backflow prevention ~~device~~ assembly is a ~~device~~ testable assembly approved by the Administrative Authority which will prevent pollution or the contamination of a potable water supply

(b)(5)(6)(7) are repealed reenacted to read as follows:

- (5) *Certified backflow assembly tester.* A certified backflow assembly tester is a person who has shown competence to test and maintain backflow prevention assemblies to the satisfaction of the Administrative Authority and the State of Colorado Department of Public Health and Environment, Water Quality Division.

- (6) *Containment*. A method used to ~~isolate a water service from the potable water supply~~ protect the potable water supply from the water service by the installation of an approved backflow prevention assembly so that any hazards that may exist on the customer's side of the assembly are 'contained' within the customer's water piping system, thus the term 'containment.'
- (7) *Contamination*. An impairment of the potable water which creates an actual health hazard to the public ~~health~~ through the spread of disease by sewage, or poisoning by industrial or commercial fluids, solids, gases or waste. Also defined as *high health hazard*.

(b)(10)(11)(13) are repealed reenacted to read as follows:

- (10) *High health hazard threat*. Cross-connections classified by the Administrative Authority which present a threat of contamination (see definition for contamination) are considered to be high hazard.
- (11) *Low non-health hazard threat*. Cross-connections that present a threat of pollution (see definition for pollution) are considered to be low hazard.
- (13) *Pollution*. An impairment of the quality of the potable water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use, as when polluted with nontoxic dye, sugar, etc. Also defined as low non-health hazard.

(d) **Grounds for discontinuance of water service**

(d)(1) is repealed reenacted to read as follows:

(d) Grounds for discontinuance of water service.

- (1) Uncontrolled cross-connections: All water services found by the Administrative Authority to have uncontrolled cross-connections and whose owners fail or refuse to eliminate or protect such cross-connections with an approved backflow prevention device within the time specified by the Administrative Authority will be subject to having their water service discontinued.

(g)(4) is repealed reenacted to read as follows:

(g) **Containment of water services**

- (4) Low hazard water services and plumbing systems. Owners of existing water services and/or plumbing systems classified as presenting a low hazard will be allowed one hundred twenty eight ~~(180)~~ (120) days from the date of the first premises inspection in which to comply with orders given by the Administrative Authority. Failure to eliminate ~~a low~~ the cross-connection within the time specified will be cause for termination of water service.

At any time a low hazard classification is changed by the Administrative Authority to a high hazard classification because of new information received or new circumstances encountered, the hazard must be eliminated within ten (10) days of being declared a high hazard.

(h)(1) is repealed

(h) **Alternative to containment; low hazard water services**

~~(1)—— Fixture isolation; low hazard. For low hazard cross-connections, in lieu of containing the owner's water service, the owner may choose to isolate all cross-connections on his or her premises with approved backflow prevention devices. If the owner chooses this alternative to containment, annual or semiannual inspection by the Administrative Authority and annual or semiannual testing of each required device by a certified backflow assembly tester will be required at no expense to the City.~~

(h)(2) is repealed and reenacted to read as follows:

(2) Fixture isolation; high and low hazard. All existing and future high and low hazard water services must be contained by installing approved backflow prevention devices at the service entrance and at all cross-connections within the plumbing system.

(i)(2) is repealed and reenacted to read as follows:

(i) Compliance deadlines; final notice

(2) Extenuating circumstances. If the owner informs the Administrative Authority of extenuating circumstances as to why a deadline for compliance cannot be met, the Administrative Authority in consultation with the Utilities Director or his or her designee may grant extensions of up to thirty (30) days for high health hazard water services, and sixty (60) days for low non-health hazard water services. An extension of time so granted may be revoked at any time a water service or plumbing system becomes contaminated, or is very likely to be contaminated, in which case the water service will be discontinued immediately.

(k)(2)(3)(5)(7)(8) are repealed and reenacted to read as follows:

(k) Owner's responsibilities

- (2) Have devices tested. The owner, after having been informed by certified mail from the Administrative Authority to do so, shall install, maintain and have tested any and all required backflow preventers on his or her premises. Owners of new services requiring cross-connection control assemblies as a condition for a building permit shall have such assemblies tested by a certified cross-connection assembly tester before being authorized to receive service from the City or water provider, and at least annually thereafter. Testing and maintenance of all required cross-connection control assemblies shall be a condition for ~~containing~~ retaining water service.
- (3) Maintain devices. The owner ~~shall cause to be corrected~~ must correct any malfunction of any required backflow prevention assembly by a certified tester or repair technician, which is revealed by periodic testing or visual observance of any malfunction by any person.
- (5) Protect service bypasses. The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of ~~the same type~~ equal protection on the bypass. Owners who cannot shut down operations for testing of the devices must supply additional devices necessary to allow testing to take place so that at no time the potable water supply to the service connection is left unprotected.

- (7) Identify potable water piping. The owner shall identify all potable water piping on his or her premises in a manner that will clearly distinguish potable water piping from non-potable water piping. The direction of flow must be identified and preferably labeled on the piping in at least every twenty (20) feet and once per room to all exposed piping.
- (8) Private wells or source of water. Any owner having a private well or other private water source must have on file with the Administrative Authority permits for all required backflow prevention assemblies, and a well permit from the State of Colorado when the well or source is cross-connected to the City potable water supply system. Permission to cross-connect may be denied by the Administrative Authority for operational, water aesthetic reasons or safety reasons even if the owner proposes to install a backflow prevention assembly in containment from the private well.

The owner ~~may~~ shall be required to install a backflow prevention assembly at the service entrance if a private water source is maintained on the premises, even if the private water source is not cross-connected to the City's potable water supply system, or any other potable water supply system serving two (2) or more taps.

A new subsection (k)(10) is hereby adopted

- (10) Non-Compliance Actions. All new installations will have to comply before Permit is finalized and closed. All existing businesses that are currently noncompliant will have no more than 90 days to have an assembly installed. After ninety (90) days a final notice will be issued giving the business 2 weeks to comply. If still noncompliant, service is to be discontinued with all service fees to be applied as with nonpayment and remain discontinued until an approved assembly is installed and is in need of initial testing.

Notice of delinquency for failure to supply an annual test report, will be sent out the last week of every month, to those businesses that have exceeded their test date. The notice will contain instructions to have their assemblies tested immediately and direction to email or fax a copy of the test report to the Utilities Department. Failure on behalf of the business to supply a test report will result in a notice of discontinuance for the first Thursday of the next month.

Surveys are a requirement on all non-single family residential properties and will be conducted on all new businesses and those that do not have a current survey on file. This includes all properties with a previous questionnaire. With the RP containment procedures, active annual surveys will not be required, assuming test reports stay current.

Section 3. Validity. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity 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 invalid.

Section 3. Repeal. Existing or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent

the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance. The repeal established herein shall not be construed to revive any ordinance or any part thereof that had been previously repealed by any ordinance repealed by this ordinance.

**INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED
THIS 16th DAY OF May, 2017.**

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

**Published in the *Brighton Standard Blade*
First Publication: May 24, 2017**

Approved as to Form:

Margaret Brubaker, Esq., City Attorney

**PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY
TITLE ONLY THIS 6th DAY OF June, 2017.**

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

**Published in the *Brighton Standard Blade*
Final Publication: June 14, 2017**