



## Legislation Details (With Text)

**File #:** ID-265-19      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Agenda Ready  
**File created:** 8/29/2019      **In control:** City Council  
**On agenda:** 10/1/2019      **Final action:**  
**Title:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, REPEALING SECTION 15-36-40 AND ADOPTING ARTICLE 13-5 OF THE BRIGHTON MUNICIPAL CODE REGARDING THE CROSS-CONNECTION CONTROL PROGRAM (FINAL READING)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Cross Connection Control Program draft 09.11.pdf, 2. Council PP FINAL - Cross Connection Ord-KS, 3. 265 PPT

Date	Ver.	Action By	Action	Result
10/1/2019	1	City Council		
9/17/2019	1	City Council		

### Department of Utilities

**Reference:** Discussion of Proposed Backflow Program Ordinance Changes

**To:** Mayor Kenneth J. Kreutzer and Members of City Council

**Through:** Marv Falconburg, Acting City Manager

**Through:** Michael Woodruff, Director of Infrastructure

**Prepared By:** Bradley S. Dallam, P.E., Assistant Director of Utilities

Kim Schoen, Utility Maintenance/ Wastewater Manager

**Date Prepared:** August 28, 2019

### PURPOSE

Provide background information regarding backflow prevention program and present proposed changes to the City's current Ordinance.

### STRATEGIC FOCUS AREA

Safe, Active and Engaged Community  
Financially Responsible  
Supportive, Sustainable Infrastructure

### BACKGROUND

State Statute requires backflow devices in business to be tested once a year. There is a minimum standard of businesses that need to be tested, with results submitted to the City for the City to be compliant with CDPHE (Colorado Department of Public Health and Environment). The City needs to meet a test reporting requirement of 80% for 2019 and 90% for 2020. Each required business must have their backflow devices tested by an approved tester and submit those results to the City annually, the City does not provide the testing of those devices. The City receives those test results and catalogs the results each year for reporting to the State.

An essential part of an Ordinance is the enforcement ability in which the City can ensure that businesses test and report the results to the City on an annual basis. It is absolutely imperative that the devices are tested and reported to ensure that potential cross connections and potential drinking water contamination is avoided. Staff believes that our current ordinance lacks the enforcement mechanisms to ensure full compliance with the required testing and reporting regulations.

Staff has analyzed Ordinances from surrounding communities that have resulted in gains in compliance, met with our City Attorney and drafted a revised Ordinance for your consideration. The City's current Ordinance needs to be revised and strengthened to assist the City in gaining the compliance from responsible parties.

Under the terms of the proposed Ordinance a business or industrial user may be fined up to \$1000.00 if they do not comply within 31 days of their notice. In this scenario they receive \$600 rebate for compliance within 14 days of the fine. Failure to comply within 61 days will result in a \$2,000.00 fine with no rebate. Failure to comply within 91 days will result in discontinuation of service until compliant.

In addition, should the City identify a faulty device, water service would be terminated immediately until the device is repaired or replaced and a passing test conducted and submitted.

Staff is prepared to work with our Communications Department to ensure that all affected entities are aware of the changes to the Ordinance and their compliance responsibilities following passage of the Ordinance.

Staff is concerned that without the proposed changes to the existing Ordinance, compliance to meet CDHPE requirements will continue to be a challenge, with negative consequences.

### **FINANCIAL IMPACT**

City currently has appropriate budget, staff and equipment to track and report results as required.

### **STAFF RECOMMENDATION**

Presentation of Ordinance as presented at the September 17, 2019 City Council Meeting.

### **ATTACHMENTS**

Copy of Ordinance