

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Ordinance amending City Code Title 9, Chapter 5, "Culinary Water".

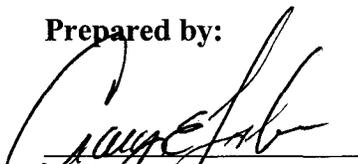
**SUMMARY:** Consider approving an ordinance amending provisions of Title 9, Chapter 5, "Culinary Water".

**FISCAL:**  
**IMPACT:** None

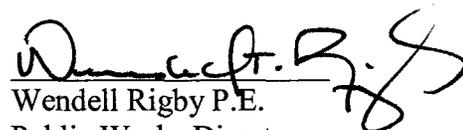
**STAFF RECOMMENDATION:**  
Staff recommends that City Council approve an Ordinance amending provisions of Title 9, Chapter 5, "Culinary Water," of the West Jordan City Code.

**MOTION RECOMMENDED:**  
I move to approve Ordinance 14-16 amending City Code Title 9, Chapter 5, "Culinary Water."

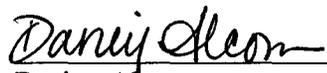
**Prepared by:**

  
Craig Frisbee  
Public Utility Manager

**Reviewed by:**

  
Wendell Rigby P.E.  
Public Works Director

**Reviewed as to legal form:**

  
Darien Alcorn  
Deputy City Attorney

**Recommended by:**

  
Richard L. Davis  
City Manager

## **BACKGROUND DISCUSSION:**

Cross-connections are defined as actual or potential connections between a potable water supply and a non-potable source, where it is possible for a contaminant to enter the drinking water supply.

The problem is a dynamic one, because piping systems are continually being installed, altered, or extended. Control of cross-connections can be achieved through a pro-active cross connection program supported by this ordinance. Additionally the West Jordan Public Utility is committed to maintaining a public assistance program to provide knowledge, vigilance and education.

Plumbing is frequently installed, altered and connected to the City drinking water system by persons who are unaware of the inherent dangers of cross-connections. The primary purpose of the West Jordan Cross Connection Program is to protect our drinking water supply from contamination, educate the public on cross connection and assist them in complying with the requirements. Additionally, we continue our program of inspection, monitoring and ensuring compliance with regulatory requirements.

Utah Administrative Code R309-105-12 requires “Each water system [to] have a functioning cross connection control program . . . [consisting] of five designated elements documented on an annual basis.” One of the five elements is “a legally adopted and functional local authority to enforce a cross connection control program (i.e., ordinance, bylaw or policy).” Test history and documentation are also required.

The current City Code has cross connection provisions that were adopted prior to the 2009 recodification. A committee of participants from Public Works and the Legal Department reviewed the West Jordan’s requirements for backflow prevention and cross connection control and determined that some additional provisions should be added for clarity, to broaden the scope and to specifically address violations and enforcement.

The proposed Ordinance Amending Title 9, Chapter 5 “Culinary Water” addresses the following related issues:

1. Definitions are added for clarification. (subsection 9-5-4 C)
2. The public works director or designee is authorized to prepare and adopt rules, standards, policies, specifications, plans and other regulations in order to ensure that the proposed City ordinance and the appropriate State regulations can be updated, adopted and enforced as needed. (subsection 9-5-4 D)
3. Service protection is clarified as a requirement based on the degree of hazard determined by the City. It is clarified that the consumer is responsible to install service protection as required and specified by the water division. (subsection 9-5-4 J)
4. Inspections are described and authorized. (subsection 9-5-4 K)
5. References to the City’s administrative enforcement ordinances are included for emergency abatement, non-emergency abatement and administrative enforcement of violations. This cross-reference to the City’s administrative enforcement is for convenience and reflects the City’s current practice. (subsections 9-5-4 L and Q)
6. Testing requirements are added and described along with required records and notifications that will be provided to the City by the consumer. The testing is required to be performed at the consumer’s cost. (subsection 9-5-4 M)
7. There is a requirement for consumers to enter into a contract with the City promising to pay the City if the consumer fails to conduct the appropriate testing. (subsection 9-5-4 P)

**THE CITY OF WEST JORDAN, UTAH**

A Municipal Corporation

ORDINANCE NO. 14- 16

[CULINARY WATER/BACKFLOW]

AN ORDINANCE AMENDING TITLE 9, "UTILITIES."

WHEREAS, the City of West Jordan adopted a City Code in 2009, for the purpose of carrying into effect and discharging all powers and duties conferred by law upon the city and its officers, employees and inhabitants, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the city and its inhabitants, and to protect property in the city; and

WHEREAS, the West Jordan City Council finds and determines that the purpose of the 2009 City Code, and the public health and welfare, will best be reached by the adoption of the following amendments to Title 9, Chapter 5 of the 2009 City Code.

NOW THEREFORE, IT IS ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

**Section 1.** Title 9, Chapter 5, Section 2 of the 2009 City Code shall hereafter read as follows:

**9-5-2: CULINARY WATER SYSTEM IN SUBDIVISIONS:**

- A. Standards: For any "subdivision", as defined in titles 13 and 14 of this code, the subdivider shall install a culinary water system in compliance with the water master plan and city public improvement standards, specifications and plans manual, including water lines and all other related equipment necessary to supply water to each lot within a subdivision. The subdivider shall pay for the residential water meter, which will then be installed by the utility billing division of the finance department.
- B. Water Lines: For all "development", as defined in titles 13 and 14 of this code, all water lines shall be extended across the entire frontage of all existing and proposed streets and to the boundary of the development. If the city master plan shows a water line larger than that required for the proposed development, the developer, builder or property owner will install the line of proper dimension.
- C. Installation Of Off Site Equipment: The developer, builder or property owner shall, at his/her expense, install all off site culinary water lines, and all other related equipment necessary to connect the development with existing city systems. Off site lines shall be a minimum of eight inches (8") in diameter and shall be dedicated to the city. Wherever possible, the developer, builder or property owner shall install water lines into the development from two (2) different directions in order to provide a looped water system.
- D. Easements: If easements are required across any property for culinary water lines, the developer, builder or property owner shall obtain such easements. (2001 Code § 87-5-111; amd. 2009 Code; Ord. 11-17, 7-13-2011; Ord. 14-    , 05-14-2014)

**Section 2.** Title 9, Chapter 5, Section 4 of the 2009 City Code titled Backflow Prevention Devices shall be deleted.

**Section 3.** Title 9, Chapter 5, Section 5 shall be renumbered Title 9, Chapter 5, Section 4 and shall hereafter read as follows:

**9-5-4: BACKFLOW PREVENTION AND CROSS CONNECTION CONTROL:**

A. Short Title: This section shall be known as the *WEST JORDAN BACKFLOW PREVENTION AND CROSS CONNECTION ORDINANCE*, and may be cited as such.

B. Purpose: The purposes of this section are as follows:

1. To promote the elimination or control of cross-connections, actual or potential, between consumers' internal water systems, plumbing fixtures, industrial piping systems, and the public drinking water supply.

2. To provide for the administration of a continuing program of backflow prevention and cross-connection control that will provide service protection to prevent the contamination or pollution of the public drinking water supply caused by backflow or cross-connections.

3. To comply with federal, state and local requirements designed to provide safe drinking water.

C, Definitions

1. Backflow: The reversal of the normal flow of water caused by either backpressure or backsiphonage.

2. Backflow Prevention Assembly: An assembly or means designed to prevent backflow. An approved backflow prevention assembly is one that is accepted by the Utah State Department of Environmental Quality, Division of Drinking Water, as meeting an applicable specification and suitable for the proposed use.

3. Consumer: The owner or operator of a privately or publicly owned plumbing system having a service connection from the public drinking water system.

4. Consumer's Water System: Those parts of the facilities beyond the termination of the public drinking water system.

5. Contamination: An impairment of water quality by the introduction of any substance that creates an actual or potential threat to public health. The substance may be solid, liquid or gas.

6. Cross Connection: Any actual or potential connection or arrangement between a potable water system and any other source or system through which it is possible to introduce into the potable water system any substance other than the intended potable water.
7. Degree of Hazard: The degree of potential risk to public health and the degree of potential adverse effect upon the public drinking water system derived from the assessment of substances and materials that may come in contact with the public drinking water system through each cross connection and group of cross connections.
8. Hazard: A cross connection or potential cross connection involving any substance that could, if introduced, cause contamination or pollution.
9. Hazard Assessment Survey: A periodic inspection in which the consumer's water system shall be inspected for cross connections, potential cross connections, proper cross connection control and service protection, records of assembly testing and compliance with state and local laws, ordinances and plumbing regulations pertaining to all forms of cross connection control.
10. Pollution: An impairment of water quality by the introduction of any substance that creates an actual or potential threat to the physical facilities of the public water supply systems or to the public water supplies which, although not dangerous to health, would constitute a nuisance or be aesthetically objectionable, or could cause damage to system plumbing or its appurtenances.
11. Public drinking water system: The source facilities and the distribution system, including all those facilities of the water system under the complete control of the city, up to the point where the consumer's system begins.
12. Service Connection: The terminal end of the public drinking water system where the city transfers jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system. If a meter is present, then the service connection shall mean the down-stream end of the meter. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public drinking water system.
13. Service Protection: Means of backflow prevention and cross connection control between the city's water system and the consumer's water system installed at the service connection. Approved service protection shall be an air gap or approved backflow prevention assembly.
14. Water Division: The water division of the West Jordan Public Works Department.

D. Applicable Codes and Standards:

1. Adoption of Rules, Standards and Policies: The public works director or designee may prepare and adopt rules, standards, policies, specifications, plans, and other regulations not inconsistent with the provisions of this section. These rules, standards, policies, specifications, plans and other regulations may be changed, altered or amended from time to time as determined by the public works director or designee to be necessary for the proper administration of this section.

2. Compliance with Rules, Standards and Policies: Compliance with the city's rules, standards, policies, specifications, plans, and other regulations, as amended, shall be required for all consumers.

3. Compliance with applicable state regulations: All applicable regulations of the Utah Department of Environmental Quality, Division of Drinking Water are adopted and made a part of this section by reference.

E. Prohibited Cross Connections: Cross connections, whether controlled or uncontrolled, are prohibited.

F. Backflow Prevention Assemblies: No person shall alter, modify, bypass or remove any backflow prevention assembly, except in strict accordance with this code.

G. Service Protection:

1. When required. If, in the judgment of the public works director or designee, service protection is required for the safety of the public drinking water system, the consumer shall install approved service protection at every service connection. No water service connection to any premises shall be installed, maintained or allowed by the city unless the water supply is protected as required by state and local laws, rules, standards, policies, specifications, plans and other applicable regulations.

2. Type of service protection. Approved service protection shall be provided in addition to any isolation cross connection control that is provided at the point of use. The service protection shall be sufficient to protect the public drinking water system from backflow from the premises and shall be appropriate for the degree of hazard as determined by the water division.

3. Multiple use; most restrictive service protection required. When two or more potential hazard conditions exist on the same premises, the most restrictive service protection required for any of the conditions shall be required to be installed at every service connection.

- H. Hazard Assessment: For all connections to the public drinking water system, the city may determine the degree of hazard at the time of connection and at any time thereafter, as determined by the water division or building and safety division. The degree of hazard shall be determined according to state and local laws, rules, standards, policies, specifications, plans, and other applicable regulations.
- I. Hazard Assessment Surveys and Inspections: Periodic hazard assessment surveys may be conducted on premises with service connections to determine compliance with state and local laws, ordinances, regulations and this section. All new commercial and industrial facilities must be inspected for compliance prior to receiving a certificate of occupancy.
- J. Service Protection Installation Requirements:
1. Consumer responsibility. Where required, service protection must be installed at each service connection and maintained by the consumer, at the consumer's expense and in compliance with the city's rules, standards, policies, specifications, plans, and other applicable federal, state and local regulations. The consumer shall notify the water division of any installation, repair, relocation or replacement of any service protection.
  2. Location. Service protection must be installed on private property in an accessible location, as close as possible to the service connection, with proper clearances, and in accordance with the city's rules, standards, policies, specifications, plans and other applicable federal, state and local regulations. Each service connection will require its own service protection to be installed before the first branch line.
  3. Time. Service protection must be installed within the time specified by the water division. A time extension may be granted by the public works director or designee commensurate to the degree of hazard and in consideration of the consumer's ability to complete the installation.
- K. Inspections
1. The water division and building and safety division may inspect the consumer's water system and service connection to determine the degree of hazard, whether any cross connections or other potential hazards exist, and to determine compliance with city's rules, standards, policies, specifications, plans, this code, applicable state codes, and other applicable federal, state and local regulations. The consumer's water system shall be available at all times during normal business hours for inspection and backflow prevention assembly testing by the water division and building and safety division.
  2. An inspection and inspection report is required for each new site, building, backflow prevention assembly installation and backflow prevention assembly relocation prior to being put into service.

3. All premises without existing backflow prevention assemblies, and all premises previously determined by the water division to have no potential hazards must be inspected periodically, and when there is a change in owner or tenant, and when there is a change in use.

4. If a consumer refuses to allow the water division or building and safety division entry for inspection purposes during business hours, it is a violation of this code. In addition to prosecuting the violation, the water division may require service protection to be installed.

L. Water Service Disconnection.

1. Emergency Abatement

a. The city manager or designee may order emergency abatement, including but not limited to, the immediate suspension or disconnection of a consumer's water service according to the provisions of Title 1, Chapter 14, Article C whenever such suspension or disconnection is necessary in order to stop an actual or threatened risk for contamination or pollution of the public drinking water system by the consumer's water system.

b. The public works director or designee may refuse to restore water service until the conditions or defects resulting in actual or threatened risk are corrected.

2. Non-emergency Abatement. The city manager or designee may perform, or cause to be performed, non-emergency abatement of violations according to the provisions of Title 1, Chapter 14, Article C. Abatement may include, without limitation, suspension and discontinuation of water service if any of the following circumstances exists: (i) A consumer has not installed required service protection; (ii) Service protection has been improperly tested, maintained, bypassed or removed; (iii) An unprotected cross connection exists in the consumer's water system; or (iv) Any other violation of this section.

3. Payment for reconnection. In the event water service is disconnected, the consumer shall pay for re-connection in accordance with the city's fee schedule.

M. Test, Notification, Maintenance, Records

1. Testing required; new, repaired, replaced backflow prevention assembly. After any installation, relocation or repair of a backflow prevention assembly, the consumer shall submit a certified test report to the water division within ten (10) business days. No backflow prevention assembly must be placed in service until it has been tested and is functioning as designed.

2. Correction of deficiencies; repair, replacement. If testing reveals any backflow prevention assembly to be defective or in improper operating condition, the consumer shall perform all repairs and, if required, replace the backflow prevention assembly to return it to proper operating condition. If the backflow prevention assembly is replaced, relocated or repaired, it must be tested and test results submitted to the water division as required by this section.

3. Continuous water supply during testing. When a consumer requires a continuous water supply, two (2) or more approved backflow prevention assemblies of the same type must be installed parallel to one another to allow a continuous water supply during testing of each individual backflow prevention assembly.

4. Annual testing required.

a. The consumer shall cause each backflow prevention assembly to be tested at least annually. If an inactive water service is reactivated, any backflow prevention assembly associated with that service shall be tested if more than 12 months has passed since the last test.

b. The annual test compliance date for each backflow prevention assembly will be established by the water division. Annual compliance testing must occur no more than 45 days prior to the test compliance date. The consumer may request a change of the test compliance date for a backflow prevention assembly; provided that no test compliance date may be changed to be more than 12 months after the most recent test. The change request must be approved by the water division.

c. The water division may test, or cause to be tested, any backflow prevention assembly at any time.

5. Annual compliance test report. The consumer shall complete the annual compliance test report and all repairs and replacements by the annual test compliance date. Failure to deliver test reports such that they are received by the water division no later than the annual test compliance date is a violation of this section.

6. Certification and procedures. The annual testing must be performed by an individual certified to conduct such testing. State test procedures shall be followed using test equipment that is maintained and calibrated annually by an agency approved by the State.

7. Records.

a. The tester shall provide a copy of the test report to the consumer and to the water division, and shall retain a copy in his/her records. Incomplete or erroneous test forms shall be corrected by the tester who signed the form. Information on a submitted test form can only be changed or modified by the tester who signed the form and is responsible for that test.

b. The consumer shall maintain records, on forms approved by the water division, of the results of all tests and all servicing, repairs, and replacements of the backflow prevention assembly. A copy of the records must be provided to the water division within ten (10) business days after completion of the activity for which the record is made.

8. Fire systems. Fire systems shall not be out of service for more than eight (8) consecutive hours due to testing, maintenance or repairs. The fire department must be notified immediately of any changes in fire service status.

9. Failed testing. Notwithstanding any other time limits provided in this chapter, the consumer must notify the water division of any failed test within five (5) days.

N. Plan Review. Where required, backflow prevention assembly must be shown and specified on all water improvement plans and building plans. The water division and the building and safety division will review and approve the intended installation according to the city's rules, standards, policies, specifications, plans, this code, applicable state codes, and other applicable federal, state and local regulations.

O. Fees: Fees are as set forth in the city's fee schedule. A fee may be established by city council to recover the cost of the backflow protection and cross-connection control program.

P. Contract for service: Every consumer who receives service from the public drinking water system shall enter into a service contract with the city, which shall include among other things, the contractual obligation to pay costs of enforcement including without limitation:

1. \$250.00, plus testing costs for failure to: (a) perform compliance testing or submit records of compliance testing on or before the annual test compliance date, or any extension thereof, in accordance with this section; or (b) demonstrate compliance on or before the annual test compliance date, or any extension thereof, in accordance with this section.

2. A reconnect fee assessed when the consumer fails to meet the requirements imposed by this section and the water division disconnects water service. The reconnect fee will be the current rate in effect at the time of reconnection.

3. Any costs for time and materials incurred by the water division as a result of non-compliance with this section, which will be assessed in the amount set forth in consolidated schedule of fees and service charges adopted by city council.

Q. Violation and Penalties; Enforcement:

1. Violations.

a. It is a violation of this section to fail to comply with this section or applicable state codes, to interfere in any way with enforcement action under this section, or to fail to comply with any enforcement action under this section.

b. A violation may be prosecuted administratively as provided in Title 1, Chapter 14, Article C of the West Jordan 2009 City Code, and/or as a class B misdemeanor and is subject to the maximum penalties allowed by state or city law.

c. Any violation of this section is a threat to public health, safety, and welfare, and is declared to be a public nuisance.

2. Civil penalties and damages.

a. Civil penalties in an amount not to exceed two hundred fifty dollars (\$250.00) per day may be sought through administrative proceedings as provided in Title 1, Chapter 14, Article C of the West Jordan 2009 City Code and/or through a court of competent jurisdiction.

b. Payment of a civil penalty shall not excuse any failure to correct a violation or the reoccurrence of the violation.

c. Any person who violates the provisions of this section or applicable state codes shall be civilly liable to the city and to third persons other than the city, for all damage proximately caused by said violation. (2001 Code § 90-4-205; amd. Ord. 12-10, 4-25-2012, eff. 7-1-2012; Ord. 14-\_\_, 05-14-2014)

**Section 4.** Additions or amendments to the 2009 City Code when passed in such form as to indicate the intention of the city council to make the same a part of the 2009 City Code shall be deemed to be incorporated in the 2009 City Code, so that reference to the 2009 City Code hereafter includes the additions and amendments.

**Section 5.** This Ordinance shall become immediately effective.

Passed and adopted by the City Council of the City of West Jordan, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF WEST JORDAN

By: \_\_\_\_\_  
Kim V. Rolfe  
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC  
City Clerk

<b>Voting by the City Council</b>	<b>"AYE"</b>	<b>"NAY"</b>
<b>Jeff Haaga</b>	_____	_____
<b>Judy Hansen</b>	_____	_____
<b>Chris McConnehey</b>	_____	_____
<b>Chad Nichols</b>	_____	_____
<b>Ben Southworth</b>	_____	_____
<b>Justin D. Stoker</b>	_____	_____
<b>Mayor Kim V. Rolfe</b>	_____	_____

**CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION**

I, Melanie S. Briggs, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, pursuant to Utah Code Annotated, 10-3-711.

MELANIE S. BRIGGS, MMC  
City Clerk/Recorder

[SEAL]

# Legislative

## **9-5-2: CULINARY WATER SYSTEM IN SUBDIVISIONS:**

- A. Standards: For any "subdivision", as defined in titles 13 and 14 of this code, the subdivider shall install a culinary water system in compliance with the water master plan and city public improvement standards, specifications and plans manual, including water lines and all other related equipment necessary to supply water to each lot within a subdivision. The subdivider shall pay for the residential water meter, which will then be installed ~~under the direction of~~ by the utility billing division of the finance department.
- B. Water Lines: For all "development", as defined in titles 13 and 14 of this code, all water lines shall be extended across the entire frontage of all existing and proposed streets and to the boundary of the development. If the city master plan shows a water line larger than that required for the proposed development, the developer, builder or property owner will install the line of proper dimension.
- C. Installation Of Off Site Equipment: The developer, builder or property owner shall, at his/her expense, install all off site culinary water lines, and all other related equipment necessary to connect the development with existing city systems. Off site lines shall be a minimum of eight inches (8") in diameter and shall be dedicated to the city. Wherever possible, the developer, builder or property owner shall install water lines into the development from two (2) different directions in order to provide a looped water system.
- D. Easements: If easements are required across any property for culinary water lines, the developer, builder or property owner shall obtain such easements. (2001 Code § 87-5-111; amd. 2009 Code; Ord. 11-17, 7-13-2011; Ord. 14-\_\_, 05-14-2014)

## **9-5-4: ~~BACKFLOW PREVENTION DEVICES:~~**

~~The water user shall install, at his expense, approved backflow prevention devices where the nature of the activity using the water, or the manner of its construction, is such that contamination of the city owned culinary water system may occur, as determined by the city manager or designee, unless the devices are installed. The devices shall be installed prior to connection to the city owned culinary water system. If the city manager determines backflow prevention devices are needed upon premises already connected to the city owned culinary water system, these devices shall be installed prior to the expiration of thirty (30) days following the city manager's notice to the property owner to install the device or water service will be disconnected. (2001 Code § 90-4-210; amd. 2009 Code)~~

## **9-5-54: BACKFLOW PREVENTION AND CROSS CONNECTIONS WITH NONPOTABLE WATER SYSTEMS PROHIBITED CONTROL:**

- A. Short Title: This section shall be known as the *WEST JORDAN BACKFLOW PREVENTION AND CROSS CONNECTION ORDINANCE*, and may be cited as such.
- B. Purpose: ~~The purpose of this section is to protect the public potable water supplies from contamination or pollution by isolating within its customers' internal distribution systems or its customers' private water systems such contaminants or pollutants which could backflow or back siphon into the public potable water supply system.~~

- C. ~~Duty To Implement: The city public works department, water division, shall be charged with implementing the terms of this section.~~
- D. ~~General Requirements: All connections to the city potable water system shall conform to the international plumbing code as adopted by the state, the state public water regulations, this code, and any other laws, statutes, regulations or ordinances, which now, or in the future, regulate water systems within the city.~~
- E. ~~Nonpotable Water: Where nonpotable water is conveyed in pipelines under pressure in areas served by the culinary water system, the following precautions shall be observed:~~
- ~~1. A distinctive coloring or marking on all exposed portions of the nonpotable water system shall be used.~~
  - ~~2. Potable and nonpotable water service lines and extensions shall be completely separated and shall be installed in separate trenches.~~
  - ~~3. All hydrants and sprinkling system control valves shall be operated by a removable key so that it is not possible to turn on the hydrant or valve without a key.~~
  - ~~4. There shall be no cross connections between the potable and nonpotable water systems. A sprinkler system utilizing the city owned culinary water system may utilize an alternative nonpotable water source only upon all of the following conditions:~~
    - ~~a. There is a swing connection installed so that the sprinkler system is physically connected to only one water source at a time; and~~
    - ~~b. On the culinary water line, on the supply side of the swing connection, there is, properly installed, maintained and regularly tested, a backflow prevention device of the type, make and model as approved by the division of environmental health of the state department of health and by the city manager or his designee.~~
  - ~~5. The nonpotable system shall not be extended into any building except greenhouses or other buildings for plant and animal production.~~
  - ~~6. Except as provided in this subsection, it is unlawful for any person to connect, permit the connection, or if notified to disconnect a cross connection, to fail to immediately and permanently disconnect a connection, of any kind, made between the culinary water system and a nonpotable water system.~~
- F. ~~Discontinuing Service Where Unprotected Cross Connection Exists: Service of water to any building or location may, in the discretion of the city, be discontinued if a backflow prevention assembly required by this section is not installed, tested and maintained, or if a backflow prevention assembly has been removed, bypassed or if an unprotected cross connection exists at the building or location. Where the public works director, city manager, or his designee, determines that the risk to the city water system is a serious threat to health or safety, then he may immediately terminate water service to a building or location. The public works director, city manager or his designee, may refuse to restore water service to such building or location until such conditions or defects are corrected. Any enforcement action under this subsection may proceed in accordance with title 1, chapter 14, article C of this code.~~
- G. ~~Rules And Specifications: All connections to the city potable water system shall be subject to the requirements of the international plumbing code, state public drinking water regulations, and the city water system rules and regulations.~~

H. Recordkeeping: The city water division, building and safety division, and the parks and recreation department shall report all installations of backflow prevention devices, assemblies and methods of cross connection correction installed by, or communicated to them, as those terms are defined in the international plumbing code, and section 102.4 of the state public drinking water regulations, to the public works director, or his designee. The public works director or his designee shall maintain an inventory of all set assemblies, notify city customers of their annual testing requirements, and maintain all test and repair records on all set assemblies.

B. Purpose: The purposes of this section are as follows:

1. To promote the elimination or control of cross-connections, actual or potential, between consumers' internal water systems, plumbing fixtures, industrial piping systems, and the public drinking water supply.

2. To provide for the administration of a continuing program of backflow prevention and cross-connection control that will provide service protection to prevent the contamination or pollution of the public drinking water supply caused by backflow or cross-connections.

3. To comply with federal, state and local requirements designed to provide safe drinking water.

C. Definitions

1. Backflow: The reversal of the normal flow of water caused by either backpressure or backsiphonage.

2. Backflow Prevention Assembly: An assembly or means designed to prevent backflow. An approved backflow prevention assembly is one that is accepted by the Utah State Department of Environmental Quality, Division of Drinking Water, as meeting an applicable specification and suitable for the proposed use.

3. Consumer: The owner or operator of a privately or publicly owned plumbing system having a service connection from the public drinking water system.

4. Consumer's Water System: Those parts of the facilities beyond the termination of the public drinking water system.

5. Contamination: An impairment of water quality by the introduction of any substance that creates an actual or potential threat to public health. The substance may be solid, liquid or gas.

6. Cross Connection: Any actual or potential connection or arrangement between a potable water system and any other source or system through which it is possible to introduce into the potable water system any substance other than the intended potable water.

7. Degree of Hazard: The degree of potential risk to public health and the degree of potential adverse effect upon the public drinking water system derived

from the assessment of substances and materials that may come in contact with the public drinking water system through each cross connection and group of cross connections.

8. Hazard: A cross connection or potential cross connection involving any substance that could, if introduced, cause contamination or pollution.

9. Hazard Assessment Survey: A periodic inspection in which the consumer's water system shall be inspected for cross connections, potential cross connections, proper cross connection control and service protection, records of assembly testing and compliance with state and local laws, ordinances and plumbing regulations pertaining to all forms of cross connection control.

10. Pollution: An impairment of water quality by the introduction of any substance that creates an actual or potential threat to the physical facilities of the public water supply systems or to the public water supplies which, although not dangerous to health, would constitute a nuisance or be aesthetically objectionable, or could cause damage to system plumbing or its appurtenances.

11. Public drinking water system: The source facilities and the distribution system, including all those facilities of the water system under the complete control of the city, up to the point where the consumer's system begins.

12. Service Connection: The terminal end of the public drinking water system where the city transfers jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system. If a meter is present, then the service connection shall mean the down-stream end of the meter. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public drinking water system.

13. Service Protection: Means of backflow prevention and cross connection control between the city's water system and the consumer's water system installed at the service connection. Approved service protection shall be an air gap or approved backflow prevention assembly.

14. Water Division: The water division of the West Jordan Public Works Department.

D. Applicable Codes and Standards:

1. Adoption of Rules, Standards and Policies: The public works director or designee may prepare and adopt rules, standards, policies, specifications, plans, and other regulations not inconsistent with the provisions of this section. These rules, standards, policies, specifications, plans and other regulations may be changed, altered or amended from time to time as determined by the public works director or designee to be necessary for the proper administration of this section.

2. Compliance with Rules, Standards and Policies: Compliance with the city's rules, standards, policies, specifications, plans, and other regulations, as amended, shall be required for all consumers.

3. Compliance with applicable state regulations: All applicable regulations of the Utah Department of Environmental Quality, Division of Drinking Water are adopted and made a part of this section by reference.

E. Prohibited Cross Connections: Cross connections, whether controlled or uncontrolled, are prohibited.

F. Backflow Prevention Assemblies: No person shall alter, modify, bypass or remove any backflow prevention assembly, except in strict accordance with this code.

G. Service Protection:

1. When required. If, in the judgment of the public works director or designee, service protection is required for the safety of the public drinking water system, the consumer shall install approved service protection at every service connection. No water service connection to any premises shall be installed, maintained or allowed by the city unless the water supply is protected as required by state and local laws, rules, standards, policies, specifications, plans and other applicable regulations.

2. Type of service protection. Approved service protection shall be provided in addition to any isolation cross connection control that is provided at the point of use. The service protection shall be sufficient to protect the public drinking water system from backflow from the premises and shall be appropriate for the degree of hazard as determined by the water division.

3. Multiple use; most restrictive service protection required. When two or more potential hazard conditions exist on the same premises, the most restrictive service protection required for any of the conditions shall be required to be installed at every service connection.

H. Hazard Assessment: For all connections to the public drinking water system, the city may determine the degree of hazard at the time of connection and at any time thereafter, as determined by the water division or building and safety division. The degree of hazard shall be determined according to state and local laws, rules, standards, policies, specifications, plans, and other applicable regulations.

I. Hazard Assessment Surveys and Inspections: Periodic hazard assessment surveys may be conducted on premises with service connections to determine compliance with state and local laws, ordinances, regulations and this section. All new commercial and industrial facilities must be inspected for compliance prior to receiving a certificate of occupancy.

## J. Service Protection Installation Requirements:

1. Consumer responsibility. Where required, service protection must be installed at each service connection and maintained by the consumer, at the consumer's expense and in compliance with the city's rules, standards, policies, specifications, plans, and other applicable federal, state and local regulations. The consumer shall notify the water division of any installation, repair, relocation or replacement of any service protection.
2. Location. Service protection must be installed on private property in an accessible location, as close as possible to the service connection, with proper clearances, and in accordance with the city's rules, standards, policies, specifications, plans and other applicable federal, state and local regulations. Each service connection will require its own service protection to be installed before the first branch line.
3. Time. Service protection must be installed within the time specified by the water division. A time extension may be granted by the public works director or designee commensurate to the degree of hazard and in consideration of the consumer's ability to complete the installation.

## K. Inspections

1. The water division and building and safety division may inspect the consumer's water system and service connection to determine the degree of hazard, whether any cross connections or other potential hazards exist, and to determine compliance with city's rules, standards, policies, specifications, plans, this code, applicable state codes, and other applicable federal, state and local regulations. The consumer's water system shall be available at all times during normal business hours for inspection and backflow prevention assembly testing by the water division and building and safety division.
2. An inspection and inspection report is required for each new site, building, backflow prevention assembly installation and backflow prevention assembly relocation prior to being put into service.
3. All premises without existing backflow prevention assemblies, and all premises previously determined by the water division to have no potential hazards must be inspected periodically, and when there is a change in owner or tenant, and when there is a change in use.
4. If a consumer refuses to allow the water division or building and safety division entry for inspection purposes during business hours, it is a violation of this code. In addition to prosecuting the violation, the water division may require service protection to be installed.

## L. Water Service Disconnection.

### 1. Emergency Abatement

a. The city manager or designee may order emergency abatement, including but not limited to, the immediate suspension or disconnection of a consumer's water service according to the provisions of Title 1, Chapter 14, Article C whenever such suspension or disconnection is necessary in order to stop an actual or threatened risk for contamination or pollution of the public drinking water system by the consumer's water system.

b. The public works director or designee may refuse to restore water service until the conditions or defects resulting in actual or threatened risk are corrected.

2. Non-emergency Abatement. The city manager or designee may perform, or cause to be performed, non-emergency abatement of violations according to the provisions of Title 1, Chapter 14, Article C. Abatement may include, without limitation, suspension and discontinuation of water service if any of the following circumstances exists: (i) A consumer has not installed required service protection; (ii) Service protection has been improperly tested, maintained, bypassed or removed; (iii) An unprotected cross connection exists in the consumer's water system; or (iv) Any other violation of this section.

3. Payment for reconnection. In the event water service is disconnected, the consumer shall pay for re-connection in accordance with the city's fee schedule.

## M. Test, Notification, Maintenance, Records

1. Testing required; new, repaired, replaced backflow prevention assembly. After any installation, relocation or repair of a backflow prevention assembly, the consumer shall submit a certified test report to the water division within ten (10) business days. No backflow prevention assembly must be placed in service until it has been tested and is functioning as designed.

2. Correction of deficiencies; repair, replacement. If testing reveals any backflow prevention assembly to be defective or in improper operating condition, the consumer shall perform all repairs and, if required, replace the backflow prevention assembly to return it to proper operating condition. If the backflow prevention assembly is replaced, relocated or repaired, it must be tested and test results submitted to the water division as required by this section.

3. Continuous water supply during testing. When a consumer requires a continuous water supply, two (2) or more approved backflow prevention assemblies of the same type must be installed parallel to one another to allow a continuous water supply during testing of each individual backflow prevention assembly.

4. Annual testing required.

a. The consumer shall cause each backflow prevention assembly to be tested at least annually. If an inactive water service is reactivated, any backflow prevention assembly associated with that service shall be tested if more than 12 months has passed since the last test.

b. The annual test compliance date for each backflow prevention assembly will be established by the water division. Annual compliance testing must occur no more than 45 days prior to the test compliance date. The consumer may request a change of the test compliance date for a backflow prevention assembly; provided that no test compliance date may be changed to be more than 12 months after the most recent test. The change request must be approved by the water division.

c. The water division may test, or cause to be tested, any backflow prevention assembly at any time.

5. Annual compliance test report. The consumer shall complete the annual compliance test report and all repairs and replacements by the annual test compliance date. Failure to deliver test reports such that they are received by the water division no later than the annual test compliance date is a violation of this section.

6. Certification and procedures. The annual testing must be performed by an individual certified to conduct such testing. State test procedures shall be followed using test equipment that is maintained and calibrated annually by an agency approved by the State.

7. Records.

a. The tester shall provide a copy of the test report to the consumer and to the water division, and shall retain a copy in his/her records. Incomplete or erroneous test forms shall be corrected by the tester who signed the form. Information on a submitted test form can only be changed or modified by the tester who signed the form and is responsible for that test.

b. The consumer shall maintain records, on forms approved by the water division, of the results of all tests and all servicing, repairs, and replacements of the backflow prevention assembly. A copy of the records must be provided to the water division within ten (10) business days after completion of the activity for which the record is made.

8. Fire systems. Fire systems shall not be out of service for more than eight (8) consecutive hours due to testing, maintenance or repairs. The fire department must be notified immediately of any changes in fire service status.

9. Failed testing. Notwithstanding any other time limits provided in this chapter, the consumer must notify the water division of any failed test within five (5) days.

N. Plan Review. Where required, backflow prevention assembly must be shown and specified on all water improvement plans and building plans. The water division and the building and safety division will review and approve the intended installation according to the city's rules, standards, policies, specifications, plans, this code, applicable state codes, and other applicable federal, state and local regulations.

O. Fees: Fees are as set forth in the city's fee schedule. A fee may be established by city council to recover the cost of the backflow protection and cross-connection control program.

P. Contract for service: Every consumer who receives service from the public drinking water system shall enter into a service contract with the city, which shall include among other things, the contractual obligation to pay costs of enforcement including without limitation:

1. \$250.00, plus testing costs for failure to: (a) perform compliance testing or submit records of compliance testing on or before the annual test compliance date, or any extension thereof, in accordance with this section; or (b) demonstrate compliance on or before the annual test compliance date, or any extension thereof, in accordance with this section.

2. A reconnect fee assessed when the consumer fails to meet the requirements imposed by this section and the water division disconnects water service. The reconnect fee will be the current rate in effect at the time of reconnection.

3. Any costs for time and materials incurred by the water division as a result of non-compliance with this section, which will be assessed in the amount set forth in consolidated schedule of fees and service charges adopted by city council.

Q. Violation and Penalties; Enforcement:

1. Violations.

a. It is a violation of this section to fail to comply with this section or applicable state codes, to interfere in any way with enforcement action under this section, or to fail to comply with any enforcement action under this section.

b. A violation may be prosecuted administratively as provided in Title 1, Chapter 14, Article C of the West Jordan 2009 City Code, and/or as a class B misdemeanor and is subject to the maximum penalties allowed by state or city law.

c. Any violation of this section is a threat to public health, safety, and welfare, and is declared to be a public nuisance.

2. Civil penalties and damages.

a. Civil penalties in an amount not to exceed two hundred fifty dollars (\$250.00) per day may be sought through administrative proceedings as provided in Title 1, Chapter 14, Article C of the West Jordan 2009 City Code and/or through a court of competent jurisdiction.

b. Payment of a civil penalty shall not excuse any failure to correct a violation or the reoccurrence of the violation.

c. Any person who violates the provisions of this section or applicable state codes shall be civilly liable to the city and to third persons other than the city, for all damage proximately caused by said violation. (2001 Code § 90-4-205; amd. Ord. 12-10, 4-25-2012, eff. 7-1-2012; Ord. 14-\_\_, 05-14-2014)