

Title 7 – Utilities

Chapter 2 Water Use & Service

ARTICLE B. BACKFLOW AND CROSS CONNECTIONS

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7-1B-1: PURPOSE:

The purpose of this article is:

- A. To protect the public drinking water supply of the Town from the possibility of contamination or pollution by requiring compliance with the cross connection control program of the Utah Division of Drinking Water, as amended, and the International Plumbing Code, that require cross connection protection of all public drinking water systems in the state. Compliance with these minimum safety codes will be considered reasonable diligence for the prevention of contaminants or pollutants that could backflow into the public drinking water system.
- B. To promote the reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping systems of the consumer, as required by the state and plumbing regulations to assure water system safety.
- C. To provide for the administration of a continuing program of backflow prevention that will systematically examine risk and effectively prevent the contamination or pollution of the drinking water system. (Ord. 09-12, 7-28-2009)

7-1B-2: RESPONSIBILITIES:

A. Public Works Director Or His/her Designee:

- 1. Drinking water system surveys/inspections of the consumer water distribution system shall be conducted or caused to be conducted by individuals deemed qualified by the Town and the State. Survey records shall indicate compliance with the state regulations. All such records shall be maintained by the Town.

2. The Town shall schedule and notify in writing all consumers of the need for the periodic system survey to ensure compliance with existing applicable minimum health and safety standards.
3. Selection of an approved backflow prevention assembly for containment control required at the service entrance shall be determined from the results of the system survey.

B. Consumer:

1. It shall be the responsibility of the consumer to comply with this article as a term and condition of water supply, and consumer's acceptance of service is admittance of his or her awareness of his or her responsibilities as a water system user.
2. It shall be the responsibility of the consumer to purchase, install and arrange testing and maintenance of any backflow prevention device/assembly required to comply with this article. Failure to comply with this article shall constitute grounds for discontinuation of service.
3. All buildings will be adequately protected against excessive pressure by using proper pressure reducing mechanisms.

C. Building Official:

1. The Building Official's responsibility to enforce the applicable sections of the international plumbing code begins code currently adopted by the state.

D. Certified Backflow Technician, Repair Person: Whether employed by the consumer or the Town to survey, test, repair or maintain backflow prevention assemblies, the certified Backflow Technician or repair person will have the following responsibilities:

1. Ensure that acceptable testing equipment and procedures are used for testing, repairing or overhauling backflow prevention assemblies.
2. Make reports of such testing and/or repairs to the consumer and the Public Works Director, or his/her designee, on form approved for use by the Public Works Director, or his/her designee, within ten (10) working days of the tests and/or repairs.
3. Include the list of materials or replacement parts being used on the reports.
4. Ensure that replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
5. Not change the design, material or operational characteristics of the assembly during testing, repair or maintenance.
6. Perform all tests of the mechanical devices/assemblies and shall be responsible for the competence and accuracy of all tests and reports.
7. Ensure that his or her license is current, the testing equipment being used is acceptable to the state and is in proper operating condition.

8. Be equipped with, and competent in the use of, all tools, gauges and other equipment necessary to properly test and maintain backflow prevention assemblies.

E. Test, Install And Repair Of Backflow Assemblies:

1. In the case of a consumer requiring an assembly to be tested, any currently certified Backflow Technician is authorized to make the test and report the results to the consumer and the Public Works Director, or his/her designee.
2. In the case of a consumer requiring an assembly to be installed or repaired, the work must be performed by a tester having class II or III backflow technician certification, and who is also a licensed plumber or agent of the owner. (Ord. 09-012, 7-28-2009)

7-1B-3: REQUIREMENTS:

A. Protection Required:

1. No water service connection to any premises shall be installed or maintained by the Public Works Director, or his/her designee, unless the water supply is protected as required by state laws, the currently adopted plumbing code, and this article. Service of water to a consumer found to be in violation of this article may be discontinued by the Public Works Director, or his/her designee, after due process of written notification of violation and an appropriate time interval for voluntary compliance, if:
 - a. A backflow prevention assembly required by this article for the control of backflow and cross connections is not installed, tested or maintained; or
 - b. It is found that a backflow prevention assembly has been removed, bypassed or altered; or
 - c. An unprotected cross connection exists on the premises; or
 - d. The periodic system survey and assembly tests have not been conducted.
 2. Service will not be restored until such conditions or defects are corrected.
- B. Inspections: The customer's water system shall be open for inspection at all reasonable times to authorized representatives of the Public Works Director, or his/her designee, to determine whether cross connections or other structural or sanitary hazards exist, including violation of this article, and to audit the results of the required survey.
- C. Backflow Prevention Assembly: Whenever the Public Woks Director, or his/her designee, deems that a service connection water usage contributes to a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system, downstream of the meter, at or near the beginning of service or immediately inside the building being served; but in all cases, before the first branch leading off the service line.

- D. Type Of Assembly: The type of protective assembly required under this article shall depend upon the degree of hazard which exists at the point of cross connection, whether direct or indirect, applicable to local and state requirements or resulting from the required survey.
- E. Certified Surveys, Inspections: It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys/inspections and operational tests made at least once per year at the consumer's expense. In those instances where the Public Works Director, or his/her designee, deems the hazard to be great, they may require certified surveys/inspections and tests at a more frequent interval. It shall be the duty of the purveyor to see that these tests are made according to the standards set forth by the State Division of Drinking Water.
- F. Testing Upon Installation: It shall be the responsibility of the consumer to have all backflow prevention assemblies installed on their water system tested within ten (10) working days of initial installation.
- G. Safety Hazards Prohibited: No backflow prevention assemblies shall be installed so as to create a safety hazard, such as over an electrical panel, steam pipes, boilers, or above ceiling level, and shall be easily accessible for testing, maintenance and repair. (Ord. 09-012, 7-28-2009)

7-1B-4: RIGHT OF REASONABLE ENTRY:

- A. Authority: Whenever necessary to make an inspection to enforce any of the provisions of any code adopted pursuant to this article, or whenever the Public Works Director, or his/her designee, has reasonable cause to believe that there may exist in any building or upon any premises an unsafe, substandard or dangerous cross connection, as defined in the applicable sections of the currently adopted plumbing code, that presents a danger to the public water system or the building or premises itself, the Public Works Director, or his/her designee, or his or her authorized representative, may enter such building or premises at all reasonable times to inspect the same or proper credentials and demand entry; and
 - 1. If such building or premises be occupied, her or she shall first present proper credentials and demand entry; and
 - 2. If such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Public Works Director, or his/her designee, or his or her authorized representative, shall have recourse to every remedy provided by law to secure entry.
- B. Failure To Permit: No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the Public Works Director, or his/her designee, or his or her authorized representative, for the purpose of inspection and examination pursuant to any provisions of the currently adopted plumbing code or the provisions of this article. (Ord. 09-012, 7-28-2009)

7-1B-5: APPEALS:

- A. Authorized: A customer may appeal the deficiencies noted within the survey or test results which the Public Works Director, or his/her designee, is authorized to make pursuant to this article.
- B. Time Limit: Appeals shall be taken within ten (10) days of the Public Works Director or his/her designee's written notification of the deficiencies noted within the survey or test results by filing with the Public Works Director, or his/her designee, a notice of appeal specifying the grounds for the appeal.
- C. Hearing Notice: The Public Works Director, or his/her designee, shall fix a time for the hearing of the appeal and give notice to the parties in interest. At the hearing, any party may appear in person or by agent or attorney.
- D. Hearing; Further Appeal: The Hearing Officer is authorized to make findings of fact regarding the customer's compliance with the currently adopted plumbing code and the Public Works Director, or his/her designee's decision regarding any deficiencies found in the survey or test results. The decision of the Hearing Officer shall be final and may be appealed to the fifth district judicial court.
- E. Decision Of Hearing Officer: The Hearing Officer may, so long as such action is in conformance with the provisions of this article, reverse or affirm, in whole or part, or may modify the determinations of the Public Works Director, or his/her designee, with respect to the customer's compliance with the currently adopted plumbing code upon a determination that it is proper to do so based on proper safeguarding of the public water system, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have the powers which have been granted to the Public Works Director, or his/her designee, by this article.
- F. Policy Review: Where the Hearing Officer determines that there is a flaw in the cross connection control program or that a specific exemption should be awarded on a consistent basis, or that the proper safeguarding of the public water system requires amendment to this article, the Hearing Officer shall advise the Town Attorney as to any question or questions that the Hearing Officer believes should be reviewed and/or amended. (Ord. 09-012, 7-28-2009)

7-1B-6: VIOLATIONS; PENALTY:

If violations of this article exist or if there has not been any corrective action taken by the consumer within ten (10) days of the written notification of the deficiencies noted within the survey or test results, then the consumer shall be charged with a class B misdemeanor, subject to penalty as provided in section [1-4-1](#) of this code, and the Public Works Director, or his/her designee, may deny or immediately discontinue service to the premises by providing a physical break in the service line until the consumer has corrected the condition in conformance with all state and local regulations and statutes relating to plumbing, safe drinking water supply and this article. (Ord. 09-12, 7-28-2009; amd. 2010 Code)