formORDINANCE NO. 2026-__

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING AND COMPLETELY RESTATING TITLE 10, CHAPTER 4 OF THE IVINS CITY CODE REGARDING BACKFLOW AND CROSS CONNECTION REGULATIONS

WHEREAS the city council for Ivins City (the "City Council") is authorized by law to exercise its legislative powers through ordinances as are necessary for carrying into effect the duties and powers of the City Council and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of Ivins City and its inhabitants, and for the protection of property in Ivins City;

WHEREAS before the City Council can pass an ordinance regulating land use the planning commission for Ivins City (the "Planning Commission") must consider the regulation and conduct a public meeting regarding the proposed land use regulation;

WHEREAS after conducting a public meeting regarding this ordinance on _____ the Planning Commission recommended that the City Council approve this ordinance;

WHEREAS the City Council has investigated and considered amending an Ordinance of Ivins City: Title 10, Chapter 4;

WHEREAS the City Council finds it necessary to be in-line with the minimum requirements of the Rural Water Association of Utah and therefore International Plumbing Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Ivins City as follows:

Section 1. Amendment and Complete Restatement of Title 10, Chapter 4 of the Ivins City Code. Title 10, Chapter 4 of the Ivins City Code is hereby amended and completely restated as follows:

See Exhibit A

Section 2. Severability. If any section, clause, or portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 3. Effective Date. This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF _____, 2026, BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Mike Scott	_____	_____	_____	_____
_____	_____	_____	_____	_____

Sharon Barton	_____	_____	_____	_____
Sharon Gillespie	_____	_____	_____	_____
Dillon Hurt	_____	_____	_____	_____

_____
Kevin Smith, Mayor

ATTEST:

_____
Kari D. Jimenez, City Recorder

EXHIBIT A

CHAPTER 4
BACKFLOW AND CROSS CONNECTIONS

SECTION:

10.04.101: Definitions

10.04.102: Protection Of Water Supply

10.04.103: Backflow Prevention Devices Or Assemblies; When Required

10.04.104: Testing And Inspection

10.04.105: New Construction

10.04.106: Installation Of Prevention Device Required

~~10.04.107: Existing Repair and Maintenance Of Equipment~~

10.04.10~~8~~7: Repair And Maintenance Of Equipment

10.04.10~~9~~8: Access For Inspection

10.04.1~~10~~09: Certified Backflow Technician

10.04.11~~1~~0: Notification Of Public

10.04.11~~2~~1: Records Maintained

10.04.11~~3~~2: Violations

10.04.11~~4~~3: Emergency Discontinuance Of Service

10.04.11~~5~~4: Penalty

10.04.101: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

BACK PRESSURE: A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or any other means that may cause backflow.

BACK SIPHONAGE: The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than the intended source, caused by the reduction of pressure in the potable water supply system.

BACKFLOW: The reversal of the normal flow of water in a potable water distribution system as a result of cross connection.

BACKFLOW ~~PREVENTION DEVICE OR ASSEMBLY~~PREVENTER: A device~~,~~ or assembly ~~or means~~ designed to prevent backflow, which complies with the specifications of section 608 of the international plumbing code.

CHEMICAL: Any solid, gas, liquid or other substance of whatever nature which is possible to introduce into the public drinking water system other than the intended potable water, including, but not limited to, ~~nonpotable~~non-potable water, pesticides, herbicides, fertilizers, soaps, detergents, and other similar substances.

CHEMICAL EQUIPMENT: Any equipment, device or other contraption of whatever nature which is used or designed for the handling, storage, transportation or application of chemicals, including, but not limited to, herbicide, pesticide, fertilizer, mobile wash, and other similar equipment.

~~CHEMICAL~~TANK VEHICLE: Every vehicle of whatever nature used or designed for the handling, storage, transportation or application of chemicals, including, but not limited to, herbicide, pesticide, fertilizer, mobile wash and other similar vehicles.

CROSS CONNECTION: Any actual or potential connection between a potable water system and any other source or system through which it is possible to introduce into the public drinking water system any used water, ~~industrial fluid, gas~~reclaimed water, wastewater, or ~~substance~~any other ~~than the intended potable water~~contaminants or pollutants.

10.04.102: PROTECTION OF WATER SUPPLY:

No person, business or entity shall cause, create or allow to exist, any actual or potential cross connection that affects or possibly may affect the city water supply system. No water service connection to any premises shall be installed or maintained by the city, or any other water utility, unless the water supplying the premises is protected as required by state and city laws and regulations. It shall be the responsibility of the owner of the occupied premises to effect installation and inspections as required herein, and to give notice to the supplier or water utility of any deficiencies of his water system in that regard.

10.04.103: BACKFLOW PREVENTION DEVICES OR ASSEMBLIES; WHEN REQUIRED:

(1) Property Owner: It shall be the responsibility of the owner of property where water is consumed to purchase, install, and maintain backflow prevention devices or assemblies wherever it will be possible for used, unclean, polluted or contaminated water, mixtures or substances to enter any portion of his potable water system, and to otherwise control cross connections.

(2) Chemical Equipment And Vehicles:

(a) Backflow ~~Device~~Preventer Required: No person shall add water to any chemical equipment via a hose, pump or other equipment unless such hose, pump or other equipment is fitted with an effective and approved permanently affixed backflow prevention device or assembly to prevent backflow of chemicals or liquids containing chemicals into the city's water supply system, streams, lakes, other sources of water or other areas.

(b) Exception: Notwithstanding the foregoing, a backflow prevention device or assembly is not required when~~:~~ no other possible means of establishing a back siphon or backflow exists.

~~(i) It is impossible to permanently affix a backflow prevention device to the hose, pump, or other equipment;~~

~~(ii) The hose, pump or other equipment is not allowed to contact or fall below the flood rim of the handling, storage or application equipment to which water is being added; and~~

~~(iii) No other possible means of establishing a back siphon or backflow exists.~~

(c) ~~Chemical~~ Tank Vehicles: Every ~~chemical~~ vehicle to which water is or potentially may be added from the city's water supply system, or from the regional water system, shall be equipped with a permanently affixed and operational air gap backflow device. All water added to such vehicles from the city's water supply system shall pass through ~~the~~a backflow ~~device.~~preventer or fixed air gap.

10.04.104: TESTING AND INSPECTION:

(1) Annual Testing Of Backflow Devices Or Assemblies: Each property owner or owner of chemical equipment or vehicles on which a backflow prevention device or assembly is required under this chapter shall have certified inspections and operational tests made at least once a year at the owner's own expense. Where the city deems the hazard to be great, the city may require such inspections and tests at a more frequent interval as prescribed by the city. All such tests shall be made according to the standards set forth by the Utah state department of health, ~~bureau of drinking water and sanitation~~ Utah Division of Drinking Water, and the international plumbing code. ~~The city shall issue and place the approved sticker onto the chemical equipment or vehicle in a visible location. The city may require at any time proof of compliance with this section which shall be fulfilled by presenting the chemical equipment or vehicle with the sticker issued and placed by the issuing authority.~~ It shall be the responsibility of the owner of any such chemical equipment or vehicle to arrange for the inspections required by this section.

~~(2)~~ Inspection Of ~~Chemical~~Tank Vehicles: Every ~~chemical~~tank vehicle on which a backflow prevention device or assembly is required under this chapter shall be submitted for inspection to the city before it is put into service and at least once every six (6) months thereafter. The city shall verify that each such vehicle is equipped with an approved backflow ~~device.~~preventer or fixed air gap. It shall be the responsibility of the owner of any such vehicle to arrange for the inspections required by this section.

(3) Condition For Issuance Of Business License: The issuance or renewal of a business license for any business employing chemical equipment or vehicles subject to the provisions of this chapter may be conditioned upon compliance with this section, and any failure to comply with this section shall be grounds for the suspension of a business license issued to any such business.

10.04.105: NEW CONSTRUCTION:

The building official will review all plans for new construction to ensure that unprotected cross connections are not an integral part of the owner's water system. If a cross connection cannot be eliminated, protection will be required by installation of an air gap or other approved backflow prevention device or assembly, in accordance with the plumbing code. Water vacating the drinking water supply must do so by means of an approved air gap or mechanical backflow prevention device or assembly as required by ~~said~~plumbing code. The owner shall provide the building official with verification of a certified test of the backflow prevention device or assembly before a certificate of occupancy is issued. (Ord. 2006-11, 2006)

10.04.106: INSTALLATION OF ~~PREVENTION DEVICE~~A BACKFLOW PREVENTER REQUIRED:

The city may install backflow prevention on the water meter to prevent backflow from anything within the property from contaminating the city supply. Whenever the city deems ~~that~~ a service ~~connection's~~connection water usage ~~contributes~~to contribute a sufficient hazard to the water supply~~ and~~, a ~~property owner has not made appropriate installation, the installation of an approved backflow prevention device or~~reduced pressure principle assembly or double check valve assembly shall be required on the lateral service line~~ of the owner's water system, at or near the property line, or immediately inside~~ , after the ~~building being served,~~meter but before the first branch line~~ leading off~~. In the ~~lateral service line, in any~~ event~~. The type of protective device~~ an RP or DC assembly is required ~~shall comply with local and state requirements. The water services department shall be provided by~~, it is the responsibility of the property owner ~~with~~to provide a certified test of ~~such backflow prevention devices or assemblies~~the assembly within ~~ten (~~10~~) working~~ days ~~after their initial~~of installation ~~in order to determine their adequacy~~and at least annually.

~~10.04.107: EXISTING EQUIPMENT:~~

~~All backflow prevention devices or assemblies existing as of November 1989, which do not meet the requirements hereof, shall nonetheless be required to comply with the requirements of this chapter, unless they are deemed by the building official or the water services department to be nonetheless adequate for the purposes intended, in which event compliance with any particular provision hereof may be waived in writing by the city. Such previously existing devices or assemblies shall be subject, in any event, to the periodic inspection and testing required by this chapter. Whenever an existing device or assembly is moved to another location, or requires more than minimum maintenance, or where it is determined to constitute a hazard to health, the unit shall be replaced by an approved backflow prevention device or assembly meeting the requirements of this chapter.~~

10.04.10~~8~~7: REPAIR AND MAINTENANCE OF EQUIPMENT:

The maintenance, including necessary repairs, of all backflow prevention devices or assemblies and cross connection control devices required by this chapter shall be the responsibility of the owner of property, equipment or vehicle where an assembly or device is installed, and failure to adequately maintain any required device or assembly shall be a violation hereof. All installations and repairs of such devices or assemblies shall be effected by a certified journeyman plumber or other agent of the owner, provided he is a certified backflow technician as provided in this chapter, in either case. (Ord. 2006-37, 2006)

10.04.10~~9~~8: ACCESS FOR INSPECTION:

All water systems, and all equipment and vehicles on which a backflow prevention device or assembly is required shall be open for inspection at all reasonable times by authorized representatives of the water services department in order to determine whether cross connections or other structural or sanitary hazards, including violations of this chapter, exist. In order to make such determination, the inspection shall include access to above ceiling areas, pits, paneled interior areas, or other locations where cross connections might exist. The owner and any occupant shall be responsible to provide a route of access across the property for inspection purposes that is free from litter, overgrowth, the threat of a vicious animal, or other hindrance that may be detrimental to the safety of the inspector or obstructive to his ease of access. (Ord. 2006-37, 2006)

10.04.1~~10~~09: CERTIFIED BACKFLOW TECHNICIAN:

All tests of backflow prevention devices or assemblies shall be conducted by a certified backflow technician who will be responsible for the competence and accuracy of all tests and reports. Such technician shall be responsible for the following:

(1) Assure that acceptable testing equipment and procedures are used for the testing, repairing or overhauling of backflow prevention devices or assemblies.

(2) Make report of such testing and/or repair within required times to the owner, the water services department and the backflow technician on a form approved for such use by the International Plumbing Code. ~~said bureau~~.

(3) Include in all reports a list of any materials or replacement parts used.

(4) Assure that replacement parts are equal in quality to original parts and that any testing, repair or replacement does not change the design or operational characteristics of the assembly.

(5) Maintain his license in current condition and his testing equipment in proper operating condition.

(6) Be equipped with, and competent to use, all necessary tools, gauges and other equipment necessary to properly test and maintain backflow prevention devices or assemblies.

(7) Tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly, high hazard air gap, or other backflow prevention device or assembly showing the serial number, date tested, and by whom, together with the technician's certification number.

10.04.11~~1~~0: NOTIFICATION OF PUBLIC:

Although failure of a consumer to be aware of this chapter shall be no defense to violation hereof, the water services department may use reasonable means to notify its customers of the hazards of cross connections and the need for annual inspection of backflow prevention devices or assemblies.

10.04.11~~2~~1: RECORDS MAINTAINED:

The city shall keep records of cross connection hazards and the condition of backflow prevention devices or assemblies, including those records required by state and federal agencies. ~~It shall provide the tags required by this chapter, upon request by certified backflow technicians.~~

10.04.11~~3~~2: VIOLATIONS:

(1) Specified: A violation of this chapter exists if:

(a) Failure To Install: A backflow prevention assembly required by this chapter for control of cross connections is not installed, tested or maintained, as required herein.

(b) Removal Or Bypass Of Assembly: It is found that a backflow prevention assembly has been removed or bypassed.

(c) Unprotected Cross Connection: An unprotected cross connection exists on the premises or equipment.

(d) Failure To Inspect: The periodic system inspection required herein has not been conducted.

(e) False Report Or Information: A false report or false information is provided to the city by or on behalf of the owner or consumer, with regard to the cross connection or backflow prevention assembly.

(2) Notice Of Violation: The city shall provide written notification of any violation of this chapter to both the owner of the property or equipment on which the violation exists and the consumer, if different, and shall demand that corrective action be taken within twenty four (24) hours of the delivery of such notification. The city, at the request of the owner or consumer, may authorize an extension of time for completion or any modification of the required corrective action upon good cause shown.

(3) Discontinuance Of Water Service; Suspension Of Business License: If the owner or consumer fails to take the required corrective action within twenty four (24) hours of the delivery of a notice of violation of this chapter, the city, in its own discretion, may discontinue water service to the affected property and may suspend any business license issued to the owner and/or consumer.

(4) Restoration Of Water Service; Reinstatement Of Business License: Water service to the affected property will not be restored and no business license suspended under this section shall be reinstated until all outstanding fines and fees are paid, and all violations or defects are corrected and the city has inspected and approved the corrections.

(5) Restitution: If contamination of the city water system occurs by means of a violation of this chapter, the owner of the property or equipment in violation, and/or the party responsible for such contamination, must bear the cost of cleanup of the city water system.

10.04.1143: EMERGENCY DISCONTINUANCE OF SERVICE:

Notwithstanding any other provision of this chapter, the city may immediately discontinue water service to any property or number of properties without notice to the affected owners or consumers if the water services department determines that any violation of this chapter or other circumstances exist which may pose a significant health hazard. Such cessation of service shall continue until compliance is attained or the significant health hazard is removed. Nothing in this section shall prevent the city from seeking any remedy provided for under this chapter or other applicable law.

10.04.1154: PENALTY:

In addition to any penalty provided herein, any violation of this chapter shall be a class B misdemeanor and, upon conviction, subject to penalty as provided in this code. Each violation of this chapter shall constitute a separate offense, and each day a violation of this chapter continues shall constitute a separate offense.