

**ORDINANCE NO. 2021-**

**AN ORDINANCE AMENDING VARIOUS SECTIONS IN CHAPTERS  
13.06 AND 15.03 OF THE CASTLE ROCK MUNICIPAL CODE  
CLARIFYING THE REGISTRATION REQUIREMENTS FOR  
BACKFLOW PREVENTION ASSEMBLY TESTERS**

**WHEREAS**, the Town of Castle Rock (the “Town”) is a home rule municipal corporation and the Town Council is empowered to adopt such ordinances as are necessary and convenient to protect the health, safety and welfare of the community; and

**WHEREAS**, the Town Council has determined the necessity of adopting regulations to prevent contamination of the Town’s distribution system from undesirable cross-connections in conformance with State and Federal regulations, and through adopted primary codes; and

**WHEREAS**, the codes and standards are established and periodically updated to serve as the most practical basis for regulating testing, repair and maintenance of backflow prevention assemblies which protect the Town’s distribution system from cross-connections.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:**

**Section 1. Amendment.** Section 13.06.020 of the Castle Rock Municipal Code is amended to read as follows:

**13.06.020 - Primary codes adopted.**

- A. Pursuant to the powers conferred upon it by statutes, the Town, through its Town Council, hereby adopts by reference the following primary codes:
1. Cross-Connection Control Manual, Version 5.0, revised April 2004, by the Backflow Prevention Education Council of Colorado, P.O. Box 1934, Arvada, Colorado 80001-1934.
  2. The Manual of Cross-Connection Control, tenth edition, published in 2009 by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, University Park, Los Angeles, California, 80090.
  3. The National Fire Protection Association Standards No. 13, No. 24 and No. 25, 2002 edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

The subject matter of these codes concerns a minimum standard for cross-connection control. Adoption includes all supplements to the codes. ~~Three (3) copies~~ **COPIES** of the above-referenced **PRIMARY** codes, ~~all certified to be true copies by the Mayor and Town~~

~~Clerk~~, shall be maintained on file at the office of CASTLE ROCK WATER ~~the Town Clerk~~ and may be inspected during regular business hours.

- B. The provisions of the above-adopted primary codes shall apply to and govern over any and all improvements within or to be incorporated in the corporate limits of the Town. Where, in any specific case, there is a conflict between different sections of the above-adopted primary codes, or a conflict between the above-adopted primary codes and any Town regulation, the most restrictive provision shall apply.
- C. Any person found to have violated any of the provisions of the above-adopted primary codes shall be charged with a violation of this Chapter. Except in cases where a different punishment is prescribed by any ordinance of the Town, upon conviction thereof, such violator shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed three hundred sixty-four (364) days, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter is committed.

**Section 2. Amendment.** Section 13.06.030 of the Castle Rock Municipal Code is amended to read as follows:

**13.06.030 – Certified technician registration.**

- A. Certified technician. Cross-connection control technicians shall possess a valid certification from an agency approved by the Colorado Department of Public Health and Environment.
- B. Registration required. No person shall perform testing, repair or maintenance of backflow prevention assemblies in the Town unless such person is a certified technician and has first ~~applied for, paid the associate fee,~~ registered with Castle Rock Water and, IF NECESSARY, attended a Town Cross-Connection Control education seminar. THE REGISTRANT SHALL SUBMIT THE FOLLOWING DOCUMENTS TO CASTLE ROCK WATER TO BE CONSIDERED FOR REGISTRATION:
  - 1. PROOF OF VALID TECHNICIAN CERTIFICATION;
  - 2. CERTIFICATES OF ACCURACY AND CALIBRATION FOR ALL TESTING EQUIPMENT; AND
  - 3. VALID CERTIFICATES OF GENERAL LIABILITY AND WORKERS' COMPENSATION INSURANCE IN THE MINIMUM COVERAGE AMOUNT FOR CLASS D CONTRACTORS AS PROVIDED BY SECTION 15.03.010.H. OF THIS CODE.

Certified technicians shall maintain a current and valid registration while performing any work governed by this Chapter.

- C. Registration expiration and renewal. Certified technician registration shall expire ~~one (1) year from date of issue~~ UPON THE EXPIRATION OF ANY ONE OF THE THREE DOCUMENTS REQUIRED FOR REGISTRATION AS SET FORTH IN SUBSECTION B OF THIS SECTION. RENEWAL WILL BE CONSIDERED UPON THE RE-SUBMISSION OF SUCH DOCUMENTS TO CASTLE ROCK WATER. ~~Registered certified cross connection control technicians shall provide the Town all registration application documentation, including registration application, technician certification and testing equipment information and calibration certificate.~~
- D. Test equipment accuracy verification. Testing equipment that is used in the performance of the testing identified in this Chapter shall be checked at least annually for accuracy, ~~and re-calibrated when inaccuracy is greater than +/- 0.2 psid. A eCurrent certificateS~~ of accuracy and calibration ~~certification~~ for such testing equipment issued from an authorized manufacturer's calibration repair laboratory or an ISO 9002 certified repair laboratory for instrument repairs or measurements shall be maintained and provided to Castle Rock Water at registration; and as ~~additionally~~ requested by Castle Rock Water to maintain current registration status. Accuracy verification certification and calibration must be National Institute of Standards and Technology (NIST) traceable and meet the current ASME/ANSI B40.01 standards.
- E. Responsibilities. All certified technicians shall be responsible for any testing, repair and/or maintenance without limitation to the items as herein listed:
1. To provide generally recognized safety measures and equipment to protect themselves, laborers and the public in general.
  2. ~~To present registration documentation when required by the Town and/or water customer.~~ TO PRESENT A VALID FORM OF IDENTIFICATION WHEN REQUIRED BY THE TOWN AND/OR WATER CUSTOMER.
  3. To PERFORM ~~inspect~~ testING, ~~or~~ repair, AND/OR MAINTENANCE OF a backflow prevention assembly in conformance with all applicable codes and regulations.
  4. To provide accurate information on all applications DOCUMENTATION, AND ~~certifications, testing equipment documentation and/or~~ backflow prevention assembly test reports.
  5. To provide test reports to Castle Rock Water as prescribed herein.
  6. ~~To observe and conform to all the policies, rules and regulations governing construction and land use in the Town.~~
- F. Registration management. Certified technicians shall perform ~~inspections~~ testing, repair and/or maintenance in accordance with standards and testing requirements as identified herein.

1. Authority. THE Director of Castle Rock Water or designee shall have the authority to deny, suspend, revoke or place restrictions on the CERTIFIED TECHNICIAN/~~applicant or registrant~~ when the ~~applicant or registrant~~ commits one (1) or more of the FOLLOWING acts or omissions:
  - a. Provides incomplete, false or misleading information on the registration application, ~~technician certification, and/or test equipment accuracy verification documentation, including certification of accuracy and/or calibration.~~
  - b. Fails to provide ~~current information or documentation related to~~ PROOF OF A current technician certification, ~~and/or test equipment accuracy verification documentation~~ VALID certification OF ACCURACY and/or calibration FOR TESTING EQUIPMENT, AND/OR A CURRENT CERTIFICATE OF INSURANCE.
  - c. Fails to provide test reports as prescribed herein.
  - d. Fails to comply with policies, rules, regulations and standards prescribed herein.
  
2. Notification procedure. When any of the acts or omissions as herein enumerated are committed and the Director of Castle Rock Water or designee deems that such registration shall be denied, suspended, revoked or restricted for ANY OF THE reasons set forth in ~~Paragraph above~~ THIS SUBSECTION F, the FOLLOWING procedures shall ~~be as follows~~ APPLY:
  - a. The ~~applicant or~~ registrant shall be notified in writing, by certified mail, addressed to the ~~applicant or~~ registrant's address of record with Castle Rock Water, along with the reason(S) ~~under Paragraph above~~ for the SUCH action.
  - b. Upon the receipt of the SUCH notice, the ~~applicant or~~ registrant may request a hearing. Such request shall be in writing delivered to the Director of Castle Rock Water or designee within fourteen (14) calendar days of the receipt of the notice.
  - c. If a hearing is requested in writing within the time limited above, the Director of Castle Rock Water or designee shall set a time, date and place of the hearing and so notify the ~~applicant or~~ registrant to contest the reason(S) set forth by the Director of Castle Rock Water or designee for the action.
  - d. When a hearing is conducted, the ~~applicant or~~ registrant and other interested parties may be in attendance and give testimony. Upon completion of the

hearing, the Director of Castle Rock Water or designee shall notify the ~~applicant or~~ registrant of his or her findings and ruling in writing, by certified mail, within fifteen (15) business days after the completion of the hearing.

- e. If the decision rendered by the Director of Castle Rock Water or designee is adverse TO THE REGISTRANT, the ~~applicant or~~ registrant may appeal SUCH DECISION to the Town Manager or his or her designee ~~as an aggrieved person~~. The Town Manager's review shall be limited to determining whether the Director of Castle Rock Water or designee had sufficient evidence to ~~determine the violation under Paragraph above~~ TO SUPPORT HIS OR HER DECISION.

3. ~~Suspension/revocation. Associated registration fees shall be required for reinstatement of suspended and/or revoked registrations. Evidence of compliance with Paragraph above is required prior to reinstatement of registration.~~

- a. The suspension of a registration shall be for the period stated in the suspension, but in no event more than six (6) months. ~~Evidence of compliance with Paragraph above is required prior to reinstatement of registration.~~
- b. If a registration is revoked, the REGISTRANT ~~applicant~~ shall not be eligible to TEST ~~register~~ WITHIN the Town for a period of six (6) months after revocation or any final decision from an appeal thereof.
- c. UPON COMPLETION OF THE SUSPENSION PERIOD, THE REGISTRANT MAY RE-REGISTER WITH CASTLE ROCK WATER AND PROVIDE ALL DOCUMENTATION REQUIRED BY SUBSECTION B OF THIS SECTION.

**Section 3. Amendment.** Section 13.06.050 of the Castle Rock Municipal Code is amended to read as follows:

### **13.06.050 - Installation.**

Installation of backflow prevention assembly in compliance with this Chapter is a condition to receiving water service from the Town. All connections to the municipal water system, including all existing connections, shall conform or be brought into conformance with the following requirements:

- A. Any person installing backflow prevention assemblies shall comply with Chapter 15.03 of this Code with respect to registration.
- B. Backflow prevention assemblies installed in violation of this Chapter shall be removed and replaced at the water customer's expense. Any such repair or replacement shall be made with an approved backflow prevention assembly within ten (10) days of discovery by the

user, a certified technician, or Castle Rock Water and/or its designee, unless arrangements satisfactory to Castle Rock Water are made. Should the hazard presented to the water system be determined to present a significant health risk, immediate service discontinuance may be necessary until such repair or replacement is accomplished.

- C. Backflow prevention assemblies shall be installed in a safe and accessible location to facilitate maintenance, testing, repair and drainage in accordance with all applicable codes and regulations. No backflow prevention assembly shall be installed in a pit, vault or location where toxic gases are present. No backflow prevention assembly shall be installed over electrical lines or other equipment where water could cause a hazard.
- D. Containment backflow prevention assemblies shall be installed immediately downstream of the water meter, prior to any service connections, in compliance with all applicable codes and regulations.
- E. Access for inspection, testing, repair, maintenance and/or replacement of backflow prevention assemblies that serve more than one (1) property, such as a master-metered facility, shall not be contingent on access of a private residence or business. Such installations shall be located in an area accessible from the exterior, such as a mechanical room or an ASSE 1060-certified enclosure that is protected against freezing and meeting all installation criteria identified herein.
- F. Before installing a backflow prevention assembly, pipelines shall be thoroughly flushed to remove foreign material.
- G. ~~Thermal expansion equipment shall be installed on all water systems contained by a backflow prevention assembly.~~
- ~~H.~~ Backflow prevention assembly valves shall not be used as the inlet or outlet valve of the water meter. Test cocks shall not be used as supply connections.
- ~~I.~~H. All costs for design, installation, maintenance, repair and testing shall be borne by the utility customer.

**Section 4. Amendment.** Section 13.06.100 of the Castle Rock Municipal Code is amended to read as follows:

**13.06.100 - Compliance.**

- A. Customers shall cooperate in the installation, maintenance, testing and inspection of backflow prevention assemblies and/or water use survey process. Failure to cooperate shall be grounds for the discontinuance of water service to the premises, or the requirement for air-gap separation from the public potable water system.
- B. Service of water to any premises may be discontinued by Castle Rock Water if unprotected cross-connections exist on the premises, if any defect is found in an installed backflow

prevention assembly or if a backflow prevention assembly has been removed or bypassed. Service shall not be restored until such conditions or defects are corrected.

- C. Discontinuance of service may be summary, immediate and without written notice whenever IF, in the judgment of the ~~Town Manager~~ DIRECTOR OF CASTLE ROCK WATER or ~~the designated representative thereof~~ HIS OR HER DESIGNEE, AND upon the recommendation of ~~Castle Rock Water~~ or a registered certified cross-connection control technician, such action is necessary to protect the purity of the public potable water supply or the safety of the water system.

**Section 5. Amendment.** Section 15.03.040 of the Castle Rock Municipal Code is amended to read as follows:

**15.03.040 - Classification.**

There shall be various classes of contractors' registration, and the holder of each registration shall be authorized to do the following:

- A. Class A. This registration shall be required to construct, erect, alter, repair or demolish any structural type or occupancy group.
- B. Class B. This registration shall be required to construct, alter, repair or demolish single-family dwellings, two-family dwellings, townhouses, condominiums and apartment buildings not exceeding three stories in height, not having more than seven dwelling units and not involving reinforced concrete above grade. The contractor may complete nonstructural interior finish or remodel of any type of building.
- C. Class C. This registration shall be required to construct, alter or repair basements, remodels, decks and other nonstructural work in single-family dwellings, two-family dwellings, townhouses and condominiums.
- D. Class D. This registration shall be required of those engaged in contracting for labor or for labor and material involving only one trade, such as, but not limited to: masonry, framing, irrigation systems, burglar alarms, moving of buildings, demolition, excavating, swimming pools, spas, roofing, AND retaining walls ~~and backflow prevention testing~~, but shall not authorize any electrical, plumbing or mechanical work. Contractors doing minor installation of prefabricated or manufactured units, such as cabinets, countertops, storm windows, gutters and downspouts or carpet, shall not be required to register.
- E. Class E. This registration shall be required to contract for and perform all work involving the installation of wiring apparatus and equipment for electrical light, heat and power. To be qualified as an electrical contractor, the person, firm, partnership, corporation, association or other organization must hold a valid electrical contractor's license issued by the State according to Title 12, Article 23, C.R.S. It shall be the responsibility of the applicant to provide evidence of the state license to the Town.

- F. Class P. This registration shall be required to contract for and perform all work involving sanitary plumbing, potable water piping, the installation of plumbing appliances and apparatus and related plumbing work. To be qualified as a plumbing contractor, the person, firm, partnership, corporation, association or other organization must either be or employ full time a master plumber licensed by the State according to Title 12, Article 58, C.R.S. It shall be the responsibility of the applicant to provide evidence of the state license to the Town.
  
- G. Class M. This registration shall be required to erect, install or construct all mechanical systems, including hot water heating systems, air conditioning systems, refrigeration and sheet metal work. This registration shall entitle the holder to replace existing domestic water heaters and all connections thereto. Any connections to the potable water system must be performed by a Town-registered plumbing contractor. Line voltage electrical work must be done by a Town-registered electrical contractor.
  
- H. Class S. This registration shall be required to perform any work requiring a state license such as but not limited to: elevators, fire suppression, and mobile home/manufactured homes installers.

Provisional Exception: The Chief Building Official may administratively waive the requirement for testing for commercial tenant finishes for commercial projects which are permitted from master plans used nationally, provided that a notarized affidavit of experience is submitted.

**Section 6. Severability.** If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

**Section 7. Safety Clause.** The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this 16<sup>th</sup> day of March, 2021 by a vote of \_\_ for and \_\_ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this \_\_\_ day of \_\_\_\_\_, 2021, by the Town Council of the Town of Castle Rock by a vote of \_\_ for and \_\_ against.



**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Lisa Anderson, Town Clerk

\_\_\_\_\_  
Jason Gray, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Michael J. Hyman Town Attorney

\_\_\_\_\_  
Mark Marlowe, Director Castle Rock Water