

**Town of Lyons, Colorado  
Board of Trustees  
BOT Agenda Cover Sheet  
Agenda Item No: VII.1  
Meeting Date: December 5, 2016**

**TO:** Mayor Sullivan and Members of Board of Trustees

**FROM:** Jim Blankenship, Town Engineer

**DATE:** November 29, 2016 (prepared for December 5, 2016 meeting)

**ITEM:** **Ordinance No. 1007: Ordinance Amending Chapter 13 of the Lyons Municipal Code to Add a New Article 6 Entitled Backflow Prevention and Cross-Connection Control Program**

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ORDINANCE  
 MOTION / RESOLUTION  
 INFORMATION

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I. **REQUEST OR ISSUE:** Ordinance No. 1007 ("Ordinance") is being presented for second reading and public hearing at the December 5, 2016, regular Board of Trustees meeting. The Ordinance addresses Regulation 11.39 issued by the Colorado Department of Public Health and Environment ("CDPHE"). CDPHE issued regulatory compliance requirements for the implementation of a Backflow Prevention and Cross-Connection Control Program ("Program") by all suppliers of public drinking water. Regulation 11.39 became effective on January 1<sup>st</sup>, 2016.

In order to comply with Regulation 11.39, the Town must pass an ordinance to enact legal authority to implement the Program.

- Key provisions of the program include a written policy regarding the Program and compliance with the Regulations (attached in draft form);
- Inspection of a certain percentage of all non-single family connections by the end of this year, 2016;
- Prepare and submit an annual report the CDPHE by May 1<sup>st</sup>, for the previous year activities.

Town Staff including Town Engineer, Code Inspection and Public Works prepared the draft Ordinance with preliminary review by the Town Attorney. The Ordinance and draft Program was presented to and approved by the Utility and Engineering Board on September 7, 2016 (see attached minutes). The Board of Trustees approved the Ordinance on first reading at its November 21, 2016 regular meeting.

Town Staff will complete the Program requirements and implement inspections, with completion scheduled no later than December 22, 2016. Town Staff will complete the

Program policy, enforce the Program as set forth by the Ordinance, and report to the CDPHE annually as required.

- II. **RECOMMENDED ACTION / NEXT STEP:** Town Staff recommends approval of Ordinance 1007 as drafted and presented following second reading and public hearing on December 5, 2016. If the Board of Trustees approves proposed Ordinance No. 1007 on second reading, it will become effective thirty days after publication.
- III. **FISCAL IMPACTS:** It is anticipated that the utility customers will bear all costs associated with installing and inspecting cross connection devices; however, Town resources will be utilized in implementing of the Program. Budgeted expenditures for this effort will be included in the Water Fund administration.
- IV. **LEGAL ISSUES:** Ordinance No. 1007 is necessary for the Town to comply with CDPHE regulations. As Town Staff implements the Program, additional revisions to the Ordinance may be necessary to ensure the Ordinance meets the needs of the Town.
- V. **CONFLICTS OR ENVIRONMENTAL ISSUES:** N/A
- VI. **SUMMARY AND ALTERNATIVES:** The Board of Trustees has the following options:
  - (1) Approve the proposed Ordinance No. 1007 on second reading following public hearing, as may or may not be amended;
  - (2) Not approve the proposed Ordinance No. 1007.

**PROPOSED MOTION:** "I MOVE TO APPROVE ORDINANCE NO. 1007, ORDINANCE AMENDING CHAPTER 13 OF THE LYONS MUNICIPAL CODE TO ADD A NEW ARTICLE 6 ENTITLED BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL PROGRAM, AS PRESENTED."

Attachments:

- Proposed Ordinance No. 1007
- DRAFT BPCCC Policy – to be completed by Town staff
- CDPHE Regulation 11.39
- Utility and Engineering Board Meeting Minutes September 7, 2016