

ORDINANCE NUMBER 567

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE COTTONWOOD CITY CODE BY ADDING A NEW SECTION 13.28, *BACKFLOW PROTECTION AND PREVENTION CODE*, TO TITLE 13.

WHEREAS, Arizona Administrative Code Section R18-4-215.A requires a public water system to protect its system from contamination caused by backflow through unprotected cross-connections by requiring the installation and periodic testing of backflow prevention assemblies; and

WHEREAS, Arizona Administrative Code Section R18-4-215.E provides that “[n]othing contained in this Section shall prevent a public water system from requiring the use of a higher level of protection than the level required by this subsection”; and

WHEREAS, Arizona Administrative Code Section R18-4-215.E.1 authorizes public water systems to make installation of required backflow prevention assemblies a condition of water service; and

WHEREAS, the City Council finds it necessary, appropriate, and in furtherance of the public health and safety to adopt specific local regulations to aid in the prevention of contamination of the public water supply through unprotected cross-connections and/or the failure of backflow prevention devices, and to vest all lawful and proper local authority and discretion over backflow protection and prevention in the City’s Water Utility; and

WHEREAS, those certain regulations collectively referred to as the *City of Cottonwood Backflow Protection and Prevention Code* were declared to be a public record on October 5, 2010 by Resolution Number 2546, which Resolution also provided that three copies of said Code were to remain on file with the City Clerk from and after that date.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That the *City of Cottonwood Backflow Protection and Prevention Code* is hereby approved and adopted in its entirety as if fully set forth in this Ordinance.

Section 2. That the *City of Cottonwood Backflow Protection and Prevention Code* shall be codified at Section 13.28 of the Cottonwood City Code.

Section 3. That the following provisions of the International Plumbing Code (2009 Edition), as previously adopted by the City Council are hereby repealed, and of no further force and effect: Section 312, *Inspection and Testing of Backflow Prevention Assemblies*; and Section 608.16.5, *Connections to Lawn Irrigation Systems*.

Section 4. That the following provisions of the International Residential Code for One- and Two-Family Dwellings (2009 Edition), as previously adopted by the City Council are hereby repealed, and of no further force and effect: Section P2503.8, *Inspection and Testing of Backflow Prevention Devices*; Section 2902.3, *Backflow Protection*; Section P2902.5.3, *Lawn Irrigation Systems*; and Section P2902.5.4, *Connections to Automatic Fire Sprinkler Systems*.

Section 5. That if any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions hereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 16TH DAY OF NOVEMBER 2010.

Diane Joens, Mayor

ATTEST:

Marianne Jiménez, City Clerk

APPROVED AS TO FORM:

Steven B. Horton, Esq.
City Attorney