

**CITY OF KAUKAUNA
ORDINANCE 1879-2023**

**ORDINANCE AMENDING SECTION 13.06(3) CROSS CONNECTION CONTROL
AND BACKFLOW PREVENTION**

WHEREAS, As a result the Wisconsin Department of Natural Resources (WDNR) 2022 Sanitary Survey, the WDNR recommended modification to the City of Kaukauna ordinance Chapter 13.06(3) Cross Connection Control and Backflow Prevention –Inspections to align with State of Wisconsin regulatory code; and

WHEREAS, Current ordinance language requires cross connection inspections at all non-residential facilities on a two-year interval; and

WHEREAS, s. NR 810.15(1)(c) allows commercial properties that are similar or less risk than a residential property to be inspected on a ten-year interval; and

WHEREAS, Per the recommendation of the WDNR the Utility Commission believes the revisions of the language in the ordinance will lead to easier identification of the higher risk facilities;

NOW THEREFORE, be it ordained by the Common Council of the City of Kaukauna, in the State of Wisconsin, as follows:

SECTION 1: **AMENDMENT** “13.06 Cross Connection Control And Backflow Prevention” of the City of Kaukauna Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

13.06 Cross Connection Control And Backflow Prevention

1. *Definitions*. The following words, terms and phrases, when used in this section shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
Backflow means the undesirable flow of water or mixtures of water and other liquids, gases or other substances under positive or reduced pressure into the city utility ("utility") water distribution pipes of the potable supply of water from any source.
Backflow preventer means a device or a means designed to prevent backflow caused by backpressure or back-siphonage. These devices are most commonly categorized as air gap, reduced pressure principle backflow preventer, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent, and barometric loop.

Backpressure means an elevation of pressure in the downstream piping system (i.e., pump, elevation of piping, or steam or air pressure) above the utility supply pressure, which would cause, or tend to cause, a reversal of the normal direction of flow.

Back-siphonage means the flow of water or other liquids, mixtures or substances into the distribution pipes of the utility's potable water supply system from any source caused by the sudden reduction of pressure in the utility potable water supply system.

Cross-connection means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the utility, and the other containing water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

2. *Cross-connections prohibited.* No person shall establish, or permit to be established, or maintain or, permit to be maintained, any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the public water supply of the utility may enter the supply or distribution system of the utility, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the utility and by the state department of natural resources.
3. *Inspections.* It shall be the duty of the utility to cause inspections to be made of all properties serviced by the utility where cross-connection with the public water system is deemed possible. Residential properties serviced by the utility shall be inspected on a ten-year interval. All nonresidential properties serviced by the utility shall be inspected on a two-year interval. The utility may, but is not required to, perform the cross-connection inspection of the owner's property. If, in the opinion of the utility, the utility is not able to perform the inspection, the property owner must, at their own expense, have the plumbing inspected for cross-connections by a state certified cross-connection inspector/surveyor or by a state licensed plumber. The frequency of required inspections and reinspections, based on potential health hazards involved, may be shortened by the utility. The utility shall charge fees as approved by the state public service commission for on-premises follow-up visits by utility personnel for reinspection due to customer noncompliance and for after-hours inspections or reinspections.
4. *Right of entry.* Upon presentation of credentials, representatives of the utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the utility for cross-connections. If entry is refused, such representatives shall obtain a special inspection warrant under Wis. Stats. § 66.0119. Upon request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.
5. *Authority to discontinue service.* The utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, or whose owner, lessee, or occupant has failed to allow an inspection for cross-connections, and to take such other precautionary measures deemed

necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the utility is not installed, tested, maintained and repaired in compliance with this section and Wis. Admin. Code § NR 810.15 or if it is found that the means of backflow prevention required by this section has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing before the city utility commission, except as provided in subsection (7) of this section.

6. *Reconnection of service.* Water service to any property discontinued under the provisions of this section shall not be restored until the cross-connection has been eliminated or a backflow prevention device approved by the utility has been installed in compliance with the provisions of this section. The utility shall charge fees as approved by the state public service commission for the reconnection of the water service.
7. *Emergency discontinuance of service.* If it is determined by the utility that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee or occupant shall have an opportunity for hearing within ten days of such emergency discontinuance. Such hearing shall be before the city utility commission and shall conform to all existing due process requirements.
8. *Owner responsibility.* The property owner shall be responsible for the elimination of or protection from all cross-connections on their premises. The owner shall, at their expense, have installed, maintained, and tested any and all backflow preventers on their premises in compliance with Wis. Admin. Code §§ NR 810.15 and SPS 382. The property owner shall have corrected any malfunction, revealed by periodic testing, of any backflow preventers on their premises. The property owner shall inform the utility of any proposed or modified cross-connections and also any existing cross-connections which are not protected by an approved backflow prevention device. The property owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Property owners who cannot shut down operation for testing of the backflow prevention devices must supply additional devices necessary to allow testing to take place. In the event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own approved backflow preventer.
9. *Additional protection.* In the case of premises having internal cross-connections that cannot be permanently corrected or controlled; or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the utility, could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, mortuaries, plating plants, and car wash

establishments. In the case of any premises where, in the opinion of the utility, an undue health threat is posed because of the presence of toxic substances, the utility may require an approved air gap at the service connection to protect the public water system. This requirement will be at the discretion of the utility.

10. *Wisconsin Administrative Code*. Wis. Admin. Code ch. Comm. 82, is hereby adopted, except any penalty provisions therein. Wis. Admin. Code § NR 810.15 is hereby adopted.
11. *Plumbing codes*. This section does not supersede the state plumbing code, Wis. Admin. Code chs. SPS 381 through 387 or section 14.15 of this Code, but is supplementary to them.
12. *Recommended practice*. The property owner will be required to follow the recommended protection practices described in the American Water Works Association publication #AWWA M14 titled "Recommended Practice for Backflow Prevention and Cross-Connection Control," unless the utility requires or authorizes other means of protecting the public water system. These requirements or authorizations will be at the discretion of the utility.

(Code 2011, § 13.06)

AFTER AMENDMENT

13.06 Cross Connection Control And Backflow Prevention

1. *Definitions*. The following words, terms and phrases, when used in this section shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - Backflow* means the undesirable flow of water or mixtures of water and other liquids, gases or other substances under positive or reduced pressure into the city utility ("utility") water distribution pipes of the potable supply of water from any source.
 - Backflow preventer* means a device or a means designed to prevent backflow caused by backpressure or back-siphonage. These devices are most commonly categorized as air gap, reduced pressure principle backflow preventer, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent, and barometric loop.
 - Backpressure* means an elevation of pressure in the downstream piping system (i.e., pump, elevation of piping, or steam or air pressure) above the utility supply pressure, which would cause, or tend to cause, a reversal of the normal direction of flow.
 - Back-siphonage* means the flow of water or other liquids, mixtures or substances into the distribution pipes of the utility's potable water supply system from any source caused by the sudden reduction of pressure in the utility potable water supply system.
 - Cross-connection* means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the utility, and the other containing water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to

the other, the direction of flow depending on the pressure differential between the two systems.

2. *Cross-connections prohibited.* No person shall establish, or permit to be established, or maintain or, permit to be maintained, any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the public water supply of the utility may enter the supply or distribution system of the utility, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the utility and by the state department of natural resources.
3. *Inspections.* It shall be the duty of the utility to cause inspections to be made of all properties serviced by the utility where cross-connection with the public water system is deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be as established by the City Water Utility and as approved by the State Department of Natural Resources.
~~Residential properties serviced by the utility shall be inspected on a ten-year interval. All nonresidential properties serviced by the utility shall be inspected on a two-year interval.~~ The utility may, but is not required to, perform the cross-connection inspection of the owner's property. If, in the opinion of the utility, the utility is not able to perform the inspection, the property owner must, at their own expense, have the plumbing inspected for cross-connections by a state certified cross-connection inspector/surveyor or by a state licensed plumber. ~~The frequency of required inspections and reinspections, based on potential health hazards involved, may be shortened by the utility.~~ The utility shall charge fees as approved by the state public service commission for on-premises follow-up visits by utility personnel for reinspection due to customer noncompliance and for after-hours inspections or reinspections.
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5. *Authority to discontinue service.* The utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, or whose owner, lessee, or occupant has failed to allow an inspection for cross-connections, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the utility is not installed, tested, maintained and repaired in compliance with this section and Wis. Admin. Code § NR 810.15 or if it is found that the means of backflow prevention required by this section has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing before the city utility commission, except as provided in subsection (7) of this section.
6. *Reconnection of service.* Water service to any property discontinued under the

provisions of this section shall not be restored until the cross-connection has been eliminated or a backflow prevention device approved by the utility has been installed in compliance with the provisions of this section. The utility shall charge fees as approved by the state public service commission for the reconnection of the water service.

7. *Emergency discontinuance of service.* If it is determined by the utility that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee or occupant shall have an opportunity for hearing within ten days of such emergency discontinuance. Such hearing shall be before the city utility commission and shall conform to all existing due process requirements.
8. *Owner responsibility.* The property owner shall be responsible for the elimination of or protection from all cross-connections on their premises. The owner shall, at their expense, have installed, maintained, and tested any and all backflow preventers on their premises in compliance with Wis. Admin. Code §§ NR 810.15 and SPS 382. The property owner shall have corrected any malfunction, revealed by periodic testing, of any backflow preventers on their premises. The property owner shall inform the utility of any proposed or modified cross-connections and also any existing cross-connections which are not protected by an approved backflow prevention device. The property owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Property owners who cannot shut down operation for testing of the backflow prevention devices must supply additional devices necessary to allow testing to take place. In the event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own approved backflow preventer.
9. *Additional protection.* In the case of premises having internal cross-connections that cannot be permanently corrected or controlled; or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the utility, could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, mortuaries, plating plants, and car wash establishments. In the case of any premises where, in the opinion of the utility, an undue health threat is posed because of the presence of toxic substances, the utility may require an approved air gap at the service connection to protect the public water system. This requirement will be at the discretion of the utility.
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Admin. Code chs. SPS 381 through 387 or section 14.15 of this Code, but is supplementary to them.

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(Code 2011, § 13.06)

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL

Presiding Officer

Attest

Anthony J. Penterman, Mayor, City of
Kaukauna

Sally Kenney, Clerk, City of
Kaukauna