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ORDINANCE NO. 1369

AN ORDINANCE OF THE CITY OF FOLSOM AMENDING CHAPTER 13.22 OF THE FOLSOM MUNICIPAL CODE CONCERNING WATER SYSTEM CROSS-CONNECTION CONTROL

The City Council of the City of Folsom hereby does ordain as follows:

SECTION 1 PURPOSE

The purpose of this Ordinance is to amend Chapter 13.22 of Title 13 of the Folsom Municipal Code (the "code") pertaining to Water System Cross-Connection Control. Cross-Connection Control is designed to protect the City's water system from contamination and pollution caused by backflow events. Chapter 13.22 will align the code with current cross-connection control requirements issued by the State Water Resources Control Board.

SECTION 2 AMENDMENT TO CODE

Chapter 13.22 of the Folsom Municipal Code is hereby amended to read as follows:

Chapter 13.22
WATER SYSTEM CROSS-CONNECTION CONTROL

Sections:

13.22.010 Definitions.
13.22.020 Application.
13.22.030 City responsibility.
13.22.040 Cross-connection control program.
13.22.050 Evaluation of hazard.
13.22.060 Level of cross-connection protection required.
13.22.070 Approval of backflow prevention devices.
13.22.080 Location of backflow prevention devices.
13.22.090 Backflow prevention device testing, maintenance, and inspection.
13.22.100 Responsible customer representative.
13.22.110 Temporary backflow protection devices.
13.22.120 Backflow prevention device repair, replacement and relocation.
13.22.130 Discontinuance of water service.
13.22.140 Unauthorized activity.
13.22.150 Violation declared a nuisance.
13.22.160 Enforcement.
13.22.170 Penalties.
13.22.180 Remedies cumulative.

13.22.010 Definitions.

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A. "Air-gap separation (AG)" means a physical break between the supply line and a receiving vessel or drain. The air-gap shall be at least two diameters of the supply pipe measured vertically above the top rim of the vessel or drain and in no case less than one inch.

B. "Approved backflow prevention device (ABPD)" means an effective assembly used to prevent backflow into a potable water system which has passed laboratory and field tests by a testing organization recognized by the DDW and is listed on the approved and published list maintained by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC-FCCCHR).

C. "Approved water supply" means the city's potable water supply or any other water supply that is regulated by DDW.

D. "Auxiliary supply" means any water supply other than a potable supply regulated by DDW that is available to the customer.

E. "Backflow" means the reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of a potable supply of water from any source or sources.

F. "DDW" means the California State Water Resources Control Board, Division of Drinking Water.

G. "CA-NV Section AWWA" means the California-Nevada Section of the American Water Works Association (AWWA).

H. "Certified backflow prevention assembly tester" means an individual who holds a current certificate as a backflow prevention assembly tester as issued by CA-NV Section AWWA, or equivalent organization as recognized by DDW and is certified by Sacramento County's environmental management department.

I. "City" means the city of Folsom.

J. "City water system" means those facilities within and without the city that the city uses to deliver potable water as the DDW recognized water purveyor.

K. "Contamination" means degradation of the quality of the potable water by any substance which creates a hazard to the public health or which may impair the usefulness or quality of water.

L. "Cross-connection" means any unprotected actual or potential connection between a public or customer's potable water system and any source or system through which it is possible to introduce into any part of the potable system any used water, contaminant or other substance other than the potable water with which the system is supplied.

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M. "Cross-connection control specialist" means an individual who holds a valid certificate as a cross-connection control specialist as issued by CA-NV Section AWWA, or equivalent organization as recognized by DDW and has been designated as the city's cross-connection control specialist by the department.

N. "Customer" means any person or entity including the city using water supplied by the city water system. "Customer" includes tenants of single-family dwellings or duplexes, owners of real property and management companies responsible for property management of real property.

O. "Department" means the city of Folsom utilities department.

P. "Director" means the director of the department or his or her designee, unless otherwise stated or indicated by context.

Q. "Discontinued service" means having the water service turned off by the department.

R. "Double check valve backflow prevention assembly (DC)" means an assembly composed of two independently acting check valves, including shut-off valves and test cocks, that is an ABPD.

S. "Fire chief" means the fire chief of the city of Folsom, or designee unless otherwise stated or indicated by context.

T. "Premises" means any and all areas on a customer's property which are served or have the potential to be served by the city water system.

U. "Private fire service" means a private fire service main and appurtenances installed in accordance with NFPA 24 on private property and maintained by the property owner for the explicit intent of providing fire flows either through fire hydrants, fire sprinkler systems, or other water-based fire protection systems.

V. "Reclaimed water" shall mean wastewater or other water which as a result of treatment is suitable for nonpotable use.

W. "Reduced pressure principle backflow prevention device (RP)" means a device incorporating two check valves and an automatically operating differential relief valve located between the two checks, a tightly closing shut-off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing, that is an ABPD.

X. "Service connection" shall refer to the point of connection of the customer's piping to the city's water system.

Y. "Single-family dwelling unit" means a building designed for one family and containing one kitchen.

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Z. "Water distribution manager" means the water distribution manager in the department or his or her designee unless otherwise stated or indicated by context. (Ord. 1315 § 2, 2021)

13.22.020 Application.

The provisions of this chapter shall apply to all customers of the city water system. (Ord. 1315 § 2, 2021)

13.22.030 City responsibility.

The city, and its duly authorized employees, shall operate the public water system and implement a cross-connection control program. The purpose of this chapter is to: (A) protect the city water system against actual or potential cross-connections by isolating within the premises contamination that may occur because of some undiscovered or unauthorized cross-connection on the premises; (B) eliminate existing connections between potable water systems and nonpotable systems that create a hazard to public health; (C) eliminate existing cross-connections between potable water systems and sources of contamination; and (D) prevent the making of cross-connections in the future. (Ord. 1315 § 2, 2021)

13.22.040 Cross-connection control program.

A. The director is authorized to develop a cross-connection control program that is consistent with the intent of this chapter, DDW regulations, California Code of Regulations, and any applicable laws. At a minimum, the program shall have the following elements:

    1. Conducting surveys as required identifying those water users where cross-connections are likely to occur;

    2. Require the provision of backflow protection by the water user at the water user's service connection(s) or within the user's premises or both if required based on the potential for a cross-connection;

    3. Establishment of procedures for testing backflow prevention devices, and maintenance of records of locations, tests, and repairs of these devices; and

    4. Maintain a list of certified backflow prevention assembly testers from the list compiled by the Sacramento County environmental management department's list.

B. The director shall oversee this chapter's implementation, compliance with DDW regulations, and any laws regulating cross-connection control. (Ord. 1315 § 2, 2021)

13.22.050 Evaluation of hazard.

The department is authorized to evaluate the degree of potential health hazard to the city water system which may be created either as a result of conditions existing or potential created by a customer on their premises. The department shall not be responsible for abatement of cross-

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connections which may exist on the customer's premises. Evaluation of the potential for health hazard, as a minimum, shall consider: (1) existence of cross-connections; (2) nature of materials on the premises and method of handling; (3) probability of backflow occurring; and (4) complexity and potential for modifications of piping system.

A. In the evaluation of the degree of potential hazard, consideration shall be given to premises with the following conditions:

   1. Substances harmful to health handled in a manner which could permit their entry into the city water system. This includes chemical and biological process waters, water from an approved water supply which has been subjected to deterioration in sanitary quality, and water from an auxiliary supply.

   2. Internal cross-connections that are not corrected or abated to the satisfaction of the cross-connection control specialist.

   3. Cross-connections are likely to occur and entry is restricted so that cross-connection inspections cannot be made on short notice or with the frequency given in Section 13.22.090 to assure that cross-connections do not occur.

   4. Repeated history of cross-connections being established or reestablished.

B. Periodic inspections of the customer's premises may be required either to evaluate the potential for cross-connections or adequacy of backflow prevention devices or practices. These inspections may be in response to activities such as changes in use or ownership of the premises. The city shall provide twenty-four hours' notice prior to inspection of the premises, unless conditions dictate that a longer or shorter notice period is more reasonable. Failure to provide the city with access to conduct an inspection shall constitute a violation of this chapter.

C. Cross-connection control requirements in this chapter shall be included as a condition of approval for water service for any new development or redevelopment project, with the exception of single-family dwelling units unless the single-family dwelling unit meets the condition as identified in subsection D of this section. Plans and specifications for any project other than single-family dwelling units (with the exception of single-family dwelling units meeting the condition in subsection D of this section) requiring a building permit shall be required to install the minimum level of cross-connection protection at the point of connection to the public water system as defined by Section 13.22.060.

D. Any single-family dwelling unit that includes an on-site domestic water pump, fire protection pump, water well or wastewater pump station will be required to install the minimum level of cross-connection protection at the point of connection to the public water system as defined by Section 13.22.060. (Ord. 1315 § 2, 2021)

13.22.060 Level of cross-connection protection required.

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The level of protection required shall be commensurate with the degree of potential public health hazard that exists or potentially exists on the customer's premises.

The minimum level of protection for all applications shall be a reduced pressure principle backflow prevention device (RP) with the exception that the retrofit of fire protection systems, private and public, without access to an auxiliary supply or other cross-connection shall be subject to the conditions of the permit from the fire department required for modifications to the fire system in accordance with Chapter 8.36. The customer may choose a higher level of protection than that required by the cross-connection control program; however, the customer shall be responsible for installation in accordance with Section 13.22.080. (Ord. 1315 § 2, 2021)

13.22.070 Approval of backflow prevention devices.

The cross-connection control specialist, after determining the level of protection required per the requirements of Sections 13.22.050 and 13.22.060, shall approve the backflow prevention device to be installed. The proposed device shall be an approved backflow prevention device as defined in this chapter and shall be located per the requirements of Section 13.22.080. Any interior or exterior coating of the backflow prevention device shall be American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 61 approved coating, in accordance with AWWA specification. (Ord. 1315 § 2, 2021)

13.22.080 Location of backflow prevention devices.

A. Backflow prevention devices shall be located as close as practical to the customer's connection and shall be a minimum of twelve inches and a maximum of thirty-six inches above finished grade as measured from the bottom of the device. Alternative locations shall be subject to review and approval in writing by the cross-connection control specialist. There shall be a minimum of twelve inches of side clearance on the side with the test cocks.

B. Air-gap separation device (AG) shall be located as close as practical to the customer's connection and all piping between the customer's connection and the receiving tank shall be entirely visible unless impractical based on existing conditions and as otherwise approved in writing by the cross-connection control specialist. (Ord. 1315 § 2, 2021)

13.22.090 Backflow prevention device testing, maintenance, and inspection.

A. Backflow prevention device testing shall be in accordance with the field test procedures as outlined in the latest edition of the Manual of Cross-Connection Control, University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research. All tests shall be performed by a certified tester, from the list of certified testers maintained by the county of Sacramento environmental management department and the results of the test shall be submitted to the department. No new, repaired, or relocated device that fails the test shall be placed in service.

B. Customers with a backflow prevention device on their premises shall have the device inspected and tested on an annual basis by a certified tester. The department may require a more frequent

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testing schedule if is determined to be necessary based on the criteria presented in Section 13.22.050. When devices are determined to be defective they shall be repaired or replaced by the customer within fourteen calendar days or a shorter time period based on any hazardous condition that might impact the city water system or other customer connections, or service will be discontinued. If service is discontinued, the customer shall pay the city's turn on/off service fee, as set by ordinance or resolution of the city council.

C. The department will notify the customer annually that the backflow prevention device needs to be tested. This notice shall contain the date when the testing must be completed, at least thirty days from the date of mailing, and instruction for how to submit the test results. The customer has forty-five (45) calendar days from the date of the initial notice to complete backflow testing and submit the test report to the city. If the report is not received within 45 days, the department will issue a second notice. If the report is still not received within fifteen (15) calendar days of the second notice, a final notice will be issued, providing seven (7) calendar days for submittal of the report. The final notice from the department will include a date when service disconnection will occur. If the customer does not test their backflow device in accordance with the requirements described in this section, the City, or a Contractor hired by the City, will complete the backflow testing of the device. The customer shall pay the city's fee for testing the backflow prevention device and the turn on/off service fee if required.

D. Upon completion of a test of the backflow prevention device, the tester shall follow the instructions provided in the notice to submit the test report and pay the associated fee.

E. Test Submission Fee. The city council hereby establish a fee of fifteen dollars for the submission of backflow device test results under the provisions of this chapter. This fee may be amended by resolution of the city council from time to time.

F. Discontinuance of service shall be cause for retesting of the backflow device on the service in accordance with the procedures outlined above. (Ord. 1315 § 2, 2021)

13.22.100 Responsible customer representative.

All customers required to submit a backflow prevention device inspection report per the requirements of Section 13.22.090 shall designate an individual responsible for monitoring the backflow prevention device and avoidance of cross-connections during operation and maintenance of the customer's on-site pipelines and equipment, or any modifications thereto. In addition, this representative shall be responsible for notifying the cross-connection control specialist of any potential contamination or pollution of the city water system due to a cross-connection on the customer's premises. Current contact information shall be supplied annually if not more frequently on the inspection report. In the event the department is unable to contact a responsible customer representative after a cross-connection is discovered, service may be temporarily discontinued at the discretion of the director until such testing occurs. (Ord. 1315 § 2, 2021)

13.22.110 Temporary backflow protection devices.

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A. Temporary backflow protection devices of all types shall be subject to the approval of the cross-connection control specialist. An inspection report for the device shall be submitted for review and the tester will attach a department-supplied tag to the device.
B. Temporary connections for construction water or other approved uses shall be subject to the conditions and fees identified on the department's temporary water use application. (Ord. 1315 § 2, 2021)

13.22.120 Backflow prevention device repair, replacement and relocation.

The customer shall obtain approval from the cross-connection control specialist before a backflow prevention device is replaced or relocated.

A. Repair. A backflow prevention device may be removed for repair; provided, that the water use is discontinued until the device is returned to service, or the service connection is equipped with a temporary backflow prevention device that is approved by the cross-connection control specialist. A device returned to service must be tested and pass before being placed in service in accordance with Section 13.22.090.

B. Replacement. A backflow prevention device may be removed and replaced; provided, that the water use is discontinued until the replacement device is installed, tested, and passes before being placed in service in accordance with Section 13.22.090.

C. Relocation. A backflow prevention device may be relocated upon approval by the cross-connection control specialist. The relocated device shall continue to provide the current level of protection or higher as determined by the cross-connection control specialist and shall satisfy installation requirements as given in Section 13.22.080. The device shall be tested and pass before being placed in service in accordance with Section 13.22.090. (Ord. 1315 § 2, 2021)

13.22.130 Discontinuance of water service.

A. The director may discontinue service to a customer's nonfire connection to the city water system at the time the director issues to the customer a second notice of violation of any provision of this chapter or determines that immediate discontinuance is necessary for the protection of the city's water system. If the customer's water service is discontinued due to violations of this chapter, the customer shall be subject to penalties specified in Section 13.22.170. Upon seeking renewed service from the city, the backflow prevention device being returned to service must be tested in accordance with Section 13.22.090. The customer shall pay the city's water turn off/on service fee and any other appropriate fees as set by ordinance or resolution of the city council. Any decision by the director to discontinue service may be appealed as specified in Section 13.22.170(C).

B. Property owners with private fire services, upon being issued a notice of violation by the director of any provision of this chapter, shall have thirty calendar days to submit a plan of correction to the director. Prior to making any modifications or alterations to the on-site fire service, a permit shall be obtained from the Folsom fire department in accordance with

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Chapter 8.36. Failure to comply with this section shall subject the property owner to the penalties specified in Section 13.22.170, and the service may be discontinued at the discretion of the director and the fire chief when discontinuance is required to protect the city water system or other customer connections. Devices used on fire services shall be approved by the DDW and listed for fire service use and maintained in accordance with State Fire Marshall regulations. (Ord. 1315 § 2, 2021)

13.22.140 Unauthorized activity.

A. Any temporary or permanent connection to the city water system made without review by the department, whether it needs a backflow prevention device or not, shall subject the customer to the penalties specified in Section 13.22.170.

B. Any person who makes, maintains, or causes to be maintained a temporary or permanent cross-connection shall be subject to the penalties specified in Section 13.22.170.

C. Any customer who maintains any plumbing fixture as defined by the California Plumbing Code, or other appurtenance that discharges to a sanitary sewer, which by reason of its construction may or potentially may cause contamination of the city water system shall be subject to the penalties specified in Section 13.22.170. (Ord. 1315 § 2, 2021)

13.22.150 Violation declared a nuisance.

Any activity in violation of this chapter will adversely and seriously affect the public health, safety and welfare, is hereby declared to be a public nuisance and may be remedied as provided in this chapter, any other applicable portion of the Folsom Municipal Code or applicable state law. (Ord. 1315 § 2, 2021)

13.22.160 Enforcement.

A. This chapter shall be enforced pursuant to the provisions of Chapters 1.08 through 1.10, inclusive, and any other enforcement mechanism available to the city under the Folsom Municipal Code and/or applicable law.

B. Unless otherwise expressly provided in this chapter, the director shall enforce the provisions of this chapter. (Ord. 1315 § 2, 2021)

13.22.170 Penalties.

A. The goal of the provisions of this chapter is to achieve voluntary compliance from the customer, and the city will take reasonable measures to assure the customer has information available to promptly and efficiently address cross-connection control issues. Where voluntary compliance cannot be achieved through initial contacts and warnings, then appropriate administrative penalties and further action are required. Except as otherwise provided herein, violations of any provision of this chapter shall be addressed as follows:

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Violation	Penalty
First	Written notification and issuance of a notice to correct.
Second	Issuance of an administrative penalty, discontinued water service and/or other penalties as provided in the notice of violation and as determined by the director.

B. Penalties.

1. A violation of this chapter shall also be an administrative violation as defined in Section 1.08.020.

2. Each of the sanctions for administrative violations identified in Section 1.09.013 shall be available for enforcement of the provisions of this chapter. Based on the criteria for imposition of administrative sanctions set forth in Section 1.09.014, each day a violation of this chapter continues it shall be deemed a Level A violation as that term is described in Section 1.09.012 with an initial penalty of up to one hundred dollars.

3. Violations of this chapter which are deemed to be willful noncompliance or unlawful connections may be subject up to a Level E violation as determined by the director.

C. Appeal. There shall be no appeal of the level of protection required as identified in Section 13.22.060 and any appeal of administrative penalties shall follow the request for hearing procedures provided in Chapter 1.09. Any order to discontinue water service or any other orders or decisions of the director shall be appealable to the city manager pursuant to Section 2.08.060; provided, however, that the city manager's decision shall be final and there shall be no right of appeal to the city council. (Ord. 1315 § 2, 2021)

13.22.180 Remedies cumulative.

The remedies set forth in this chapter are cumulative to any other remedy available to the city. Pursuit of one remedy shall not preclude any other remedy, and nothing contained in this chapter shall limit or be deemed to prevent the city from pursuing any other remedy available to the city under the Folsom Municipal Code or other applicable law. (Ord. 1315 § 2, 2021)

SECTION 3 SCOPE

Except as set forth in this Ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 4 SEVERABILITY

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If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held to be unconstitutional, invalid, or ineffective of any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared unconstitutional, invalid, or ineffective.

SECTION 5 NO MANDATORY DUTY

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons or property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 6 EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from and after its passage and adoption, providing it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation within the City of Folsom.

This Ordinance was introduced and the title thereof read at the regular meeting of the City Council on April 14, 2026, and the second reading occurred at the regular meeting of the City Council on April 28, 2026.

On a motion by Councilmember_Aquino_____, seconded by Councilmember _Kozlowski_____ the foregoing Ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 28th day of April 2026, by the following roll-call vote:

AYES: Councilmember(s): Kozlowski, Leary, Rohrbough, Aquino, Raithel
NOES: Councilmember(s): None
ABSENT: Councilmember(s): None
ABSTAIN: Councilmember(s): None

Justin Raithel
_____
Justin Raithel, MAYOR

ATTEST:

Christa Freemantle
_____
Christa Freemantle, CITY CLERK