



## **RE: Revision of the back flow ordinance**

### **Background:**

The City of Nixa is mandated by the Department of Natural Resources to certify that all backflow devices within the city have been tested on an annual basis. Customers with backflows must submit a test that has been performed by a Missouri Certified Backflow tester by July 1<sup>st</sup> of every year. This information is gathered by the city and submitted to DNR on an annual basis. This program is necessary to ensure that the city's water system is safe by preventing unwanted water from contaminating the system. A backflow device is a check valve that is installed on sprinkler systems and fire suppression systems to prevent water from flowing back into the city's drinking water system. The proposed revision to the existing ordinance would allow the city to hire a certified back flow tester for the purpose of testing back flows that are past the July 1st deadline.

### **Analysis:**

In years past we have sent notices out to customers who haven't had their backflow tested, when they don't respond, we would go out and disconnect their water service till their test results were turned in. This change in the ordinance would allow us to hire a certified tester to test these devices without disrupting their service and allowing us to turn in our results to DNR in a timely manner.

### **Recommendation:**

Staff recommends this change in the back flow ordinance.

### **MEMO SUBMITTED BY:**

**Jason Stutesmun** | Water Quality Superintendent.

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER  
2 22, ARTICLE II, DIVISION 3, SECTION 22-79 FOR THE PURPOSE OF AMENDING  
3 THE BACKFLOW DEVICE INSPECTION PROVISIONS.  
4

5  
6 **WHEREAS** the City is mandated by the Missouri Department of Natural Resources  
7 with the task of certifying that all backflow prevention within the city have been tested on  
8 an annual basis; and  
9

10 **WHEREAS** City Code requires water customers with backflow prevention devices  
11 to submit test results to the City by July 1<sup>st</sup> of each year; and  
12

13 **WHEREAS** City staff is proposing to modify the City Code to authorize staff to  
14 perform the test and charge the customer for the reasonable expenses of performing the  
15 test; and  
16

17 **WHEREAS** this will help ensure that the City is meeting the obligations imposed  
18 by the Department of Natural Resources while also not shifting the expense of such  
19 compliance to the general taxpayer of the City; and  
20

21 **WHEREAS** the City Council desires to modify the City Code as set forth herein.  
22

23 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
24 **NIXA, AS FOLLOWS, THAT:**  
25

26 **SECTION 1:** Chapter 22, Article II, Division 3, Section 22-479 of the Nixa City Code  
27 is hereby amended by repealing said section in its entirety and adopting in lieu thereof a  
28 new Section 22-79, said section shall read as follows:  
29

30 (Note: Language to be added is indicated by being underlined. Language to be removed  
31 is indicated by being ~~stricken~~.)  
32

33 Sec. 22-79. Inspection and maintenance.  
34

35 (a) It shall be the duty of the customer at any premises on which backflow prevention  
36 devices required by this division ~~section~~ are installed to have inspections, tests and  
37 overhauls made in accordance with the following schedule or more often where  
38 inspections indicate a need and in accordance with the provisions of this section.  
39

40 (1) Air gap separations shall be inspected at the time of installation and at least by  
41 July first of each year ~~every 12 months~~ thereafter.  
42

43 (2) Double check valve assemblies shall be inspected and tested for tightness at the  
44 time of installation and by July first of each year ~~at least every 12 months~~ thereafter.  
45 They shall be dismantled, inspected internally, cleaned and repaired whenever  
46 needed and at least every 30 months.

- 47  
48 (3) Reduced pressure ~~principal principle~~ backflow prevention devices shall be  
49 inspected and tested for tightness at the time of installation and at least by July  
50 first of each year ~~every 12 months~~ thereafter. They shall be dismantled, inspected  
51 internally, cleaned and repaired whenever needed and at least every five years.  
52
- 53 (4) All irrigation or lawn sprinkler backflow assemblies shall be tested by July first of  
54 each year.  
55
- 56 (b) Inspections, tests and overhauls of backflow prevention devices shall be made at the  
57 expense of the water customer and shall be performed by a person certified by the  
58 State of Missouri state certified to inspect, test, and overhaul backflow prevention  
59 devices device tester.  
60
- 61 (c) Whenever backflow prevention devices ~~required by this section~~ are found to be  
62 defective, they shall be repaired or replaced at the expense of the customer without  
63 delay. Whenever backflow prevention devices are found to be defective, they shall be  
64 disconnected, and water service shall be suspended until the backflow prevention  
65 device has been repaired or replaced and has passed inspection.  
66
- 67 (d) The water customer ~~shall must~~ maintain and provide to the city a complete record of  
68 each backflow prevention device from installation purchase to removal of said  
69 backflow prevention device retirement. This shall include a comprehensive listing that  
70 includes a record of all tests, inspections, repairs, and overhauls which are required  
71 by this section and shall be made available to the water purveyor upon request.  
72
- 73 (e) The water customer shall provide a copy of records and information, listed in  
74 subsection (d) of this section, to the city water purveyor when testing, maintenance or  
75 repair activities are completed. Such records and information shall be provided to the  
76 city by the water customer by July 1 of each year. Water customers shall submit such  
77 records and information to the city on forms approved by the city for such purpose.  
78
- 79 (f) Backflow prevention devices shall not be bypassed, made inoperative, removed or  
80 otherwise made ineffective without separation authorization by the city water purveyor.  
81
- 82 (g) If a water customer fails to provide for the inspections, tests, repair, and overhauls  
83 required herein, the city shall have the right to conduct the required test by a state  
84 certified person able to inspect, test, and overhaul backflow prevention devices. Prior  
85 to exercising this authority, the city shall notify the water customer of the city's intent  
86 to perform such inspection, repair test, or overhaul with at least 10 days written notice.  
87 Should the water customer fail to provide the required inspection, test, or overhaul,  
88 the city shall proceed with conducting the test, inspection, repair, or overhaul and may  
89 assess the reasonable costs incurred by the city on the water customer's next water  
90 bill.  
91

92 (h) In addition to the provisions of Section 22-79(g), violations of the provisions of this  
93 Section shall be punishable pursuant to Section 1-9 of the City Code.  
94

95 **SECTION 2:** The City Attorney, when codifying the provisions of this Ordinance, is  
96 authorized to provide for different section numbers, subsection numbers, and different  
97 internal citation references than those provided herein when such section numbers,  
98 subsection numbers, or internal citation references are in error or are contrary to the intent  
99 of this Ordinance.

100  
101 **SECTION 3:** Savings Clause. Nothing in this Ordinance shall be construed to  
102 affect any suit or proceeding now pending in any court or any rights acquired, or liability  
103 incurred nor any cause or causes of action occurred or existing, under any act or  
104 ordinance repealed hereby.

105  
106 **SECTION 4:** Severability Clause. If any section, subsection, sentence, clause, or  
107 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect  
108 the validity of the remaining portions of this Ordinance. The Council hereby declares that  
109 it would have adopted the Ordinance and each section, subsection, sentence, clause, or  
110 phrase thereof, irrespective of the fact that any one or more sections, subsections,  
111 sentences, clauses, or phrases be declared invalid.

112  
113 **SECTION 5:** This Ordinance shall be in full force and effect from and after its final  
114 passage by the City Council and after its approval by the Mayor, subject to the provisions  
115 of section 3.11(g) of the City Charter.

116  
117  
118 **ADOPTED BY THE COUNCIL THIS 19th DAY OF February, 2024.**

119  
120 ATTEST:  
121  
122 \_\_\_\_\_  
123 PRESIDING OFFICER CITY CLERK

124  
125  
126 **APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

127  
128 ATTEST:  
129  
130 \_\_\_\_\_  
131 MAYOR CITY CLERK

132  
133 APPROVED AS TO FORM:  
134  
135 \_\_\_\_\_  
136 CITY ATTORNEY