

ATTACHMENT A

ORDINANCE NO. 2025-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, REPLACING IN ITS ENTIRETY CHAPTER 14.10 (CROSS-CONNECTION CONTROL PROGRAM) OF THE NEWPORT BEACH MUNICIPAL CODE TO COMPLY WITH STATE LAW

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges or procedures granted or prescribed by any law of the State of California;

WHEREAS, the City's Utilities Department ("Department"), desires to replace Chapter 14.10 of the Newport Beach Municipal Code ("NBMC") relating to the Cross-Connection Control Program;

WHEREAS, on December 19, 2023, the California State Water Resources Control Board adopted standards for backflow protection and cross-connection control through the Cross-Connection Control Policy Handbook Standards and Principles for California's Public Water Systems ("CCCPH"), which became effective on July 1, 2024;

WHEREAS, all California public water systems must comply with the CCCPH, and this ordinance is necessary to bring the NBMC into conformity with applicable state regulatory requirements; and

WHEREAS, the City is dedicated to the protection of the potable water supply from contamination, pollution, cross-connection, and backflow.

NOW THEREFORE, the City Council of the City of Newport Beach ordains as follows:

Section 1: Chapter 14.10 (Cross-Connection Control Program) of the NBMC is hereby deleted in its entirety and replaced with the following:

Chapter 14.10
CROSS-CONNECTION CONTROL PLAN

Sections:

14.10.005	Purpose.
14.10.010	Definitions.
14.10.015	Adoption of the Cross-Connection Control Management Plan.
14.10.020	Cross-Connection Protection Requirements.
14.10.025	Backflow Prevention Devices.
14.10.030	Administrative Procedures.
14.10.035	Water Service Termination.
14.10.040	Violations.
14.10.045	Appeals.

14.10.005 Purpose.

The City's major goal in adopting this chapter is to ensure the distribution of a safe and potable water supply to all domestic water users. The purpose of this chapter is to comply with state law and provide for a cross-connection control plan to:

- A. Protect the public water supply against actual or potential cross-connection by isolating within the premises any contamination that may occur because of some undiscovered or unauthorized cross-connection on the premises;
- B. Eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption;
- C. Eliminate cross-connections between drinking water systems and sources of contamination; and
- D. Prevent cross-connections in the future.

These regulations are adopted pursuant to the requirements set forth in the Cross-Connection Control Policy Handbook, as may be amended from time to time, which replaced State of California Administrative Code Title 17, Sections 7583 through 7605 and applies to all State of California Public Water Systems, as defined in California's Health and Safety Code Section 116275(h).

14.10.010 Definitions.

Unless the context clearly requires otherwise, the definitions and provisions set forth in this section shall govern the construction, interpretation, and application of words and phrases used in this chapter.

“Cross-Connection Control Management Plan” or “CCCMP” means the City of Newport Beach Cross-Connection Control Management Plan adopted by the City pursuant to Section 14.10.015.

“Cross-Connection Control Policy Handbook” or “CCCPH” means State Water Resources Control Board Cross-Connection Control Policy Handbook adopted December 19, 2023, as may be amended from time to time.

“State Water Resources Control Board” or “Board” means the State Water Resources Control Board or the local primary agency having been delegated the authority to enforce the requirements of the CCCPH by the State Water Resources Control Board.

“Water user” means a person who is authorized by the City to receive water.

14.10.015 Adoption of the Cross-Connection Control Management Plan.

The City Council authorizes the City Manager or Utilities Director to adopt, implement and amend the CCCMP to comply with the CCCPH. A copy of the CCCPH and CCCMP shall be kept on file in the City Clerk’s Office and made available for public inspection.

If the provisions of the CCCPH pertaining to the type of backflow and cross-connection devices required to be installed for a given degree of hazard, or mandate are different or have a more stringent requirement for a given degree of hazard, then such provisions of the CCCPH that pertain thereto shall apply.

14.10.020 Cross-Connection Protection Requirements.

The City shall review all development, and redevelopment plans and all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the Community Development Department of the City for review of possible cross-connection hazards as a condition for new service connections and, upon request, for the continuation of existing service. If it is determined that a backflow prevention device is necessary to protect the public water system, the required device must be installed in compliance with Section 14.10.025 before service will be granted or, as set forth herein, existing service is allowed to be continued.

A. Where Protection is Required.

1. Each service connection from the City water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system unless the auxiliary water supply is accepted as an additional source by the Utilities Director and approved by the Utilities Director in writing.
2. Each service connection from the City water system on which any substance is handled in such fashion as may allow its entry into the water system shall be protected against backflow of the water from the premises into the public system.
3. Backflow prevention devices shall be installed on the service connection to any premises:
 - a. that has internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the Board and the Utilities Director;
 - b. that has intricate plumbing or piping arrangements that make it impracticable or impossible to ascertain whether cross-connections exist; or
 - c. where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether cross-connections exist.

B. Type of Protection Required.

1. The type of protection to be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the premises. The minimum types of backflow required to safeguard the water supply at the water user's connection to a premises are provided for in the CCCMP. Situations which are not covered in the CCCMP shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the Utilities Director.
2. Two or more services supplying water from different street mains to the same building, structure or premises through which a multidirectional water flow may occur shall have adequate approved backflow protection devices necessary to protect the City's mains from pollution or contamination.

14.10.025 Backflow Prevention Devices.

- A. Approved Backflow Prevention Devices. For water users connected to the City's potable water system only backflow prevention devices, which have been specified in the CCCMP and approved by the Utilities Director shall be acceptable for installation. Backflow prevention devices shall be installed in the manner specified in the CCCMP.
- B. Backflow Prevention Device Testing and Maintenance. The water users of any premises on which backflow prevention devices are installed shall have the devices tested by a person who is a certified backflow prevention assembly tester in accordance with the CCCMP. Backflow prevention devices must be tested at least annually and after installation, relocation, repair or replacement. No device shall be placed back in service unless it is functioning as required. A report in a form acceptable to the Utilities Director shall be filed with the Utilities Department each time a device is installed, tested, relocated, repaired or replaced. These devices shall be serviced, overhauled or replaced whenever they are found to be defective, and all costs of testing, repair and maintenance shall be borne by the water user.
- C. Backflow Prevention Device Removal. Approval must be obtained from the Utilities Director before a backflow prevention device is removed, relocated, repaired, or replaced.
 - 1. Removal. The use of a device may be discontinued and the device removed from service upon presentation of sufficient evidence to the Utilities Director to verify that a hazard no longer exists or is not likely to be created in the future.
 - 2. Relocation. A device may be relocated following confirmation by the Utilities Director that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device.
 - 3. Repair. A device may be removed for repair, provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with other backflow protection approved by the Utilities Director. A retest will be required following the repair of the device.
 - 4. Replacement. A device may be removed and replaced provided the water use is discontinued until the replacement device is installed. All replacement

devices must be approved by the Utilities Director and must be commensurate with the degree of hazard involved.

14.10.030 Administrative Procedures.

- A. Inspection by the City. The Utilities Director may require an on-premises inspection to evaluate cross-connection hazards. The City will transmit a written mailed notice requesting an inspection appointment for each affected water user.
- B. Customer Notification—Corrective Actions. The City will notify the water user with a mailed notice of the inspection findings, listing corrective action to be taken, if required. The water user shall take the corrective action required including installation of backflow prevention devices by the following deadline, determined by the Utilities Director based on the hazard severity:
 - 1. A period of sixty (60) days;
 - 2. As specified in the CCCMP; or
 - 3. As specified by the Director, at the Director's discretion.
- C. Customer Notification—Testing and Maintenance.
 - 1. Each affected water user is required to annually test and certify their backflow prevention device installed on their service connection in accordance with the CCCMP. The Utilities Department will mail a written reminder notice thirty (30) days before the annual certification is due. This notice will inform the water user that the device needs to be tested, and that the City's required form must be completed and returned.
 - 2. If no action is taken by the water user, the Utilities Director may terminate water service to the affected water user in accordance with Section 14.10.040 until the subject device is tested and approved.

14.10.035 Water Service Termination.

- A. General. If a water user fails to take corrective action, neglects to test and certify their backflow prevention device as required by Section 14.10.030 or presents a clear and immediate hazard to the potable water supply that cannot be immediately abated, the Utilities Director will initiate procedures to discontinue water service.

B. Basis for Termination. Conditions on water use that create a basis for water service termination shall include the following:

1. Refusal to install a required backflow prevention device;
2. Refusal to test a backflow prevention device;
3. Refusal to repair a faulty backflow prevention device;
4. Refusal to replace a faulty backflow prevention device;
5. Direct or indirect connection between the public water system and a sewer line;
6. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants;
7. Unprotected direct or indirect connection between the public water system and an auxiliary water system; or
8. A situation which presents an immediate health hazard to the public water system.

C. Water Service Termination Procedures.

1. For conditions 1, 2, 3 or 4 of subsection (B) of this section, the Utilities Director is authorized to terminate service to a water user's premises after two written mailed notices have been sent specifying the corrective action needed and the time period in which it must be done. If no action is taken within the allowed time period and no appeal is filed in accordance with Section 14.10.045 (Appeals), the water service may be terminated.
2. For conditions 5, 6, 7 or 8 of subsection (B) of this section, the Utilities Director shall make a reasonable effort through a door tag and onsite visit to advise the water users that, because of the potential harm to the public, the City is terminating the water service immediately and locking the service valve. The decision of the Utilities Director pursuant to this subsection (C) (2), may be appealed in accordance with Section 14.10.045; however, the water service shall not be reestablished while the appeal is pending.

3. The City shall restore the water service if the City Manager grants the appeal pursuant to Section 14.10.045, or if the water user takes action to remediate the condition and the Utilities Director approves the corrective action.

14.10.040 Violations.

It is unlawful for any person to violate any provision set forth in this chapter or for any person to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes or water fixtures being served with water by the Utilities Department or any other source of water supply or to maintain any sanitary fixture or other appurtenances or fixtures which by reason of their construction may cause or allow backflow of water or other substances into the water supply system of the City and/or the service of water pipes or fixtures of any consumer of the City.

14.10.045 Appeals.

Except for decision by the City's Utilities Director to adopt, implement and amend the CCCMP, as provided for in section 14.10.015, any decision or action of the Utilities Director shall be final fourteen (14) days after notice is provided to the water user in the manner provided in Section 1.08.080, unless the water user files an appeal within that time frame. Any appeal shall be submitted to the City Manager on a form approved by the City Manager along with the appeal fee set by resolution of the City Council. If appealed, the City Manager shall review the appeal and issue a written decision upholding, overturning or modifying the decision of the Utilities Director within thirty (30) days. The decision of the City Manager shall be final.

Section 2: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 3: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4: The City Council finds the introduction and adoption of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable

indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

Section 5: Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 6: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414. This ordinance shall be effective thirty (30) calendar days after its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 22nd day of July, 2025, and adopted on the 26th day of August, 2025, by the following vote, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

Joe Stapleton,
Mayor

ATTEST:

Molly Perry,
Interim City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp,
City Attorney