

## ORDINANCE NO. 834

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, PROVIDING FOR LEGAL AUTHORITY AND ADMINISTRATION; PROHIBITING CROSS CONNECTIONS; PROVIDING FOR INSPECTION MONITORING AND MAINTENANCE OF SYSTEMS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATION; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND CERTAIN EXCEPTIONS; AND FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE AS FOLLOWS:

### SECTION 1. GENERAL PROVISIONS

**A. Title:** This ordinance shall be known as the City of Brooksville "CROSS CONNECTION CONTROL Ordinance."

**B. Purpose and Intent:**

1. This ordinance is enacted under the home rule power of the City to ensure the health, safety, and general welfare of the users of the City of Brooksville water service area by protecting the public potable water supply from the possibility of contamination or pollution by isolating actual or potential cross connections in the water distribution system.
2. In compliance with the Federal Safe Drinking Water Act, the City of Brooksville has been designated to enforce state and federal regulations.
3. This designation requires the City of Brooksville to develop and implement a cross connection control program which will systematically and effectively prevent the contamination or pollution of the City's water distribution system.

**C. Applicability:** This ordinance shall apply to all water consumers and all properties connected to the City's water distribution system.

**D. Responsibility:** The City shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the City's Public Works Department an approved backflow prevention assembly is required for the safety of the water system, the Public Works Department shall give written notice to the consumer to install an approved backflow prevention assembly on his/her premises. The consumer shall immediately install such approved assembly at his/her own expense; and, failure, refusal, or inability on the part of the consumer to install, have tested, and maintain said assembly shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met. If water service is discontinued, the consumer will be subject to all charges to reinstate service.

## SECTION 2. Definitions

Approved Cross Connection Control Measure shall reference an air-gap separation, a double check-valve assembly, a reduced-pressure principle backflow prevention assembly or other backflow prevention assemblies or methods that meet the requirements of state and federal regulations.

Auxiliary Water Supply shall mean any water supply on or available to the premises other than the water purveyor's approved public potable water supply. These auxiliary water supplies may include other potable water supplies, wells, ponds, pools, canals, receiving tanks, retention areas, reclaimed or reuse water supply, or any other natural or manmade water source.

Backflow shall mean the undesirable reversal of water flow or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable water system from any source or sources as defined by state and federal regulations.

Backflow Prevention Assembly shall mean an assembly or device that has been manufactured in full conformance with American Water Works Association (AWWA) Standard C506-69 or latest version, and be approved by the City's Public Works Department. Backflow prevention assemblies must also meet the laboratory and field performance specifications of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California, or other approved agency and shall also meet the requirements of state and federal regulations.

Backflow Prevention Assembly Type shall mean any effective assembly used to prevent backflow into a potable water system. The type of device or assembly used shall be based on the degree of hazard either existing or potential. Acceptable types are:

- Double Check Valve Assembly,
- Double Detector Check Valve Assembly,
- Reduced Pressure Principle Assembly,

Certified Backflow Prevention Assembly Tester shall mean a person who can prove competency in testing backflow prevention assemblies to the satisfaction of the City's Public Works Department. The tester shall have attended and successfully completed an AWWA approved course for Backflow Prevention Assembly Testers, or a similar course endorsed by the AWWA, or other programs or training acceptable to the City's Public Works Department. A certified Backflow Prevention Assembly Maintenance and Repair Specialist as defined herein can also perform testing.

Certified Backflow Prevention Assembly Maintenance and Repair Specialist shall mean a person who can prove competency in repairing backflow prevention assemblies to the satisfaction of the City's Public Works Department. The maintenance and repair specialist shall have attended and successfully completed an AWWA approved course for Backflow Prevention Assembly Maintenance and Repair, or a similar course endorsed by the AWWA. All Backflow Prevention Assembly Maintenance and Repair Specialists shall be licensed plumbers registered with the City's Building Department, or other programs or training acceptable to the City's Public Works Department.

City shall refer to the designees having authority to enforce rules and regulations as set forth by the City in accordance with state and federal requirements for protecting the City's public water supply from a cross connection.

Consumer shall mean the property owner, user or customer who receives water from the City of Brooksville's potable water system.

Cross Connection shall mean a connection or potential connection between any part of a potable water system and any other environment containing other substances in a manner that, under any circumstances would allow such substances to enter the potable water system. Other substances may be gases, liquids, or solids, such as chemicals, waste products, steam, water from other sources (potable or non-potable), or any matter that may change the color or add odor to the water.

Double Check Valve Assembly shall mean an assembly consisting of two (2) internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two (2) tightly closing resilient-seated shutoff valves and fittings with properly located resilient-seated test cocks. This assembly shall only be used to protect against a non-health hazard.

Double Detector Check Valve Assembly shall mean a specifically designed assembly composed of an approved double check valve assembly with a specific bypass water meter and an approved double check valve assembly all properly sized. The meter shall register accurately for low flow rates and shall total all flows. This assembly shall be permitted on fire lines only to protect against a non-health hazard.

Health Hazard shall mean an actual or potential threat of contamination to the public potable water system that could cause illness or such effects.

High-risk shall mean any residence, facility or business where backflow into the potable water system would be considered a health hazard.

Low-risk shall mean any residence, facility or business where backflow into the potable water system would be considered a non health hazard with the potential to become a health hazard.

Non Health Hazard shall mean an actual or potential threat of contamination to the public potable water system that would not be a health hazard, but would constitute a nuisance or be aesthetically objectionable.

Reduced Pressure Principle Backflow Prevention Assembly shall mean an assembly containing two (2) independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve, located between the check valves and at the same time below the first check valve. These units are located between two (2) tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks. This assembly shall be designed to protect against a health hazard.

Reuse Water shall mean the deliberate application of reclaimed water; water that has received at least secondary treatment and basic disinfection from a wastewater treatment facility.

### **SECTION 3. Technical Reference**

Technical issues, references and applications not more specifically covered in this ordinance will be subject to the recommendations and specifications contained in the American Water Works Association, Manual of Water Supply Practices, M14, Recommended Practice for Backflow Prevention and Cross Connection Control or derivatives thereof.

### **SECTION 4. Cross Connection with Private or Reuse Water Supply Prohibited**

- 4.1 It shall be unlawful for any person to connect or cause to be connected to the City's water pipes, by any means whatsoever, other pipes containing water from any water supply other than the potable water supply of the City's water distribution system.
- 4.2 If any person shall connect or cause to be connected to the City's water supply other than the supply of potable water furnished by the City, and also have upon the same property a water supply furnished by **any other source**, the property shall have and is hereby required to have a dual system of pipes, one system of pipes being for potable water supplied by the City, and the other system of pipes being for the supply of water from the private or reuse supply, and it shall be unlawful for the two (2) systems to be connected together in any manner whatsoever.
- 4.3 Any property connected to the City water lines and that also has an auxiliary water supply other than the supply of potable water furnished by the City shall have a backflow prevention assembly installed, in accordance with this ordinance.
- 4.4 The City may adopt policies to regulate cross connections and shall enforce such adopted policies as if fully set out herein.

### **SECTION 5. Backflow Prevention Assemblies**

- 5.1 Each single-family residence, multi-family residence not individually metered, non-residential or commercial premises connected to the City water lines where a potential cross connection exists, shall have a backflow prevention assembly installed, in accordance with the City's specifications, inspection, and approval. Any such backflow prevention assembly shall be operated, maintained and tested by the consumer in accordance with City policies and may be inspected at any time by the City.
- 5.2 Several kinds of premises fall into the classification of a health hazard and require premises isolation from the City's potable water system by means of a backflow prevention assembly and some are noted as follows:
  - Premises with an auxiliary water supply;
  - Hospitals, mortuaries, medical / dental clinics and so forth;
  - Laboratories;
  - Sewage treatment plants and sewage pump stations;
  - Food and beverage processing plants;
  - Chemical plants using a water process;
  - Metal plating plants;
  - Car washing facilities; and commercial laundry facilities;
  - Premises with reuse water systems;

**5.3** Notice of time limit. In the event that any consumer does not install the backflow prevention assembly required hereunder, or whenever the City's Public Works Department reasonably determines that a hazard to public health and safety exists by virtue of the absence of such backflow prevention devices at any establishment or premises, the consumer shall be required to install an appropriate backflow prevention assembly for the protection of the potable water system. Written notice of the requirement to install a backflow prevention assembly shall be mailed to the consumer's address as it appears on the City records. The notice shall state:

- a) The fact that a backflow prevention assembly is required.
- b) The type of backflow prevention assembly required to be installed.
- c) The fact that the assembly is required to be installed within the designated time limit from the date of the notice.
- d) The date that an inspection of the premises will occur to verify the installation of the backflow prevention assembly.
- e) The date on, and after, which delivery of water shall be discontinued to the premises if the assembly has not been installed.

**SECTION 6. Change of occupancy or land use**

**6.1** At such times as a change of occupancy or land use occurs, the City shall have the right to review the new occupancy or land use and if, in the opinion of the City's Public Works Department, a different type of backflow prevention assembly is required due to an increased possibility of a potential hazard to the health and safety of potable water users, the consumer shall be responsible for the installation of the new assembly.

**SECTION 7. Installation and Location of Backflow Prevention Assemblies**

**7.1** Backflow prevention assemblies shall be installed by properly licensed personnel. Installers shall consider potential pressure control issues caused by the location and installation of the backflow prevention assembly.

**7.2** Backflow prevention assemblies shall be installed at the property line on the service line for the property downstream of the meter discharge and upstream of any other connection. All assemblies shall have an inlet and outlet valve separate to the shut off of the water line being serviced.

**7.3** Alternate installation locations may be considered for existing connections to existing structures. All alternate installations must be downstream of the meter and upstream of any connection.

**7.4** All installation locations are subject to approval by the City's Public Works Department.

**7.5** A Double Detector Check Valve Assembly shall be used on all unmetered fire supply lines.

- 7.6 A Double Check Valve Assembly may be used on metered fire lines and residential properties without an auxiliary water supply or irrigation system.
- 7.7 A Reduced Pressure Principle Backflow Prevention Assembly shall be used on all non-residential properties and all residential properties with an auxiliary water supply or irrigation system. Reduced pressure principle backflow prevention assemblies shall be installed twelve (12) inches minimum above the ground or higher if the area is subject to flooding. All freeze control must be provided for the free flow from the relief of the assembly.
- 7.8 A Reduced Pressure Principle Backflow Prevention Assembly shall be used on all irrigation systems with water supplied from the City's potable water system.
- 7.9 All backflow prevention assemblies that automatically vent water shall have some means of controlling ground erosion caused by discharge of the assembly.

## **SECTION 8. Inspections**

- 8.1 The City shall be allowed access to perform inspections and make an operational test(s) on any premises where backflow prevention assemblies are installed.
- 8.2 The City shall be allowed reasonable access to any property receiving water service from the City to perform inspections for cross connections within the property or to comply with any other regulatory requirement of law.
- 8.3 The Consumer is required to **provide an inspection report** of their backflow prevention assembly to the City **at a frequency as follows**. Inspections are to be performed by a Certified Backflow Prevention Assembly Tester as defined herein.
- a) **For High Risk water users, the City's Public Works Department will provide a notice to the consumer when an annual inspection of their backflow prevention assembly is becoming due.** The notice will be mailed to the billing address on file for the water account.
- For Low Risk water users, the City's Public Works Department will provide a notice to the consumer when a bi-annual inspection of their backflow prevention assembly is becoming due.** The notice will be mailed to the billing address on file for the water account.
- b) The Consumer will be given a designated time limit from the date of the notice to have their backflow assembly inspected and repaired, as necessary, by a Certified Backflow Prevention Assembly Repair Specialist as defined herein.
- 8.4 Where inspection or testing demonstrates a significant hazard to potable water users, the City's Public Works Department may perform or require inspections and tests at intervals **more frequently**.
- 8.5 Backflow prevention assemblies shall be repaired, overhauled, or replaced whenever such devices are found to be so defective as to present an increased likelihood of a potential hazard to the health and safety of potable water users. Records of such repairs, overhauls or replacements shall be submitted to the City's Public Works Department.

- 8.6 Any backflow prevention assembly which does not meet the requirements of this section but was an approved device for the purposes described herein at the time of installation and which has been properly maintained shall be inspected by the City's Public Works Department as it deems appropriate. Such device shall not be subject to the requirements of this section so long as the City's Public Works Department is assured such device will satisfactorily protect the public potable water supply system. Wherever the existing device is moved from the present location, or requires more than minimum maintenance, or constitutes a hazard to the health and safety of potable water users, the device shall be replaced by a backflow prevention assembly meeting the requirements of this section.

## **SECTION 9. Enforcement**

- 9.1 The City's Public Works Department shall cause the water service to the premises to be immediately terminated for a cross connection until the consumer has corrected the condition in conformance with this ordinance in any of the following situations:

- a) When it becomes known that a condition such as a cross connection, plumbing, structural or health hazard, or other violation of this ordinance is present.
- b) In those cases of extreme emergency, and where an immediate threat to life or public health is found to exist.

- 9.2 The City shall cause the water service to the premises to be terminated when the installation, testing, repairs, or replacement of backflow prevention assemblies or any other requirement within this ordinance is not performed in accordance with this ordinance. The City's Public Works Department shall provide written notice specifying the requirements needed.

- a) First Notice: The City's Public Works Department will provide written notice and be given thirty (30) days to comply with the requirements of this ordinance.
- b) Second Notice: After the first thirty day notice period has expired, the City's Public Works Department will provide a second written notice extending the compliance period an additional fifteen (15) days.
- c) Termination for Non Compliance: If the consumer has not complied after the expiration of the second-notice period, the City's Public Works Department shall terminate water service to the premises and service will not be restored until the deficiencies cited in the written notice are corrected. Termination of service is subject to the same charges for discontinuance of service for default payment of bill as established by City Code.

## **SECTION 10. Consumer Responsibility**

- 10.1 It shall be the consumer's responsibility to prevent contaminants and pollutants from entering the public water supply system by means of a cross connection from his premises. All costs associated with testing, installation, repairs and maintenance of backflow prevention assemblies on his property is the sole responsibility of the consumer.

## **SECTION 11. Severability**

- 11.1 The provisions of this ordinance are severable. If any portion of this ordinance is held by a court of competent jurisdiction to be invalid or unenforceable for any reason, such

determination shall not affect the validity of the remainder of the ordinance or its application to any other ordinance.

**SECTION 12. Conflicts and Repealer**

All ordinances, or parts thereof, and resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION 13. Amendment to Code**

This ordinance shall be and become a part of the Code of the City of Brooksville, Florida.

**SECTION 14. Codification**

It is the intention of the City Council of the City of Brooksville that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Brooksville, Florida and the word "ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of the ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

**SECTION 15. Effective Date**

This Ordinance shall take effect immediately upon its adoption by the Brooksville City Council.

**CITY OF BROOKSVILLE**

Attest: s/Janice L. Peters, \_\_\_\_\_  
Janice L. Peters, CMC, City Clerk

By: s/Lara Bradburn \_\_\_\_\_  
Lara Bradburn, Mayor

PASSED on First Reading December 17, 2012  
NOTICE Published on December 28, 2012  
PASSED on Second & Final Reading January 7, 2013

APPROVED AS TO FORM FOR THE RELIANCE  
OF THE CITY OF BROOKSVILLE ONLY:

s/James K. Fisher for  
Thomas S. Hogan, The Hogan Law Firm, LLC  
City Attorney

VOTE OF COUNCIL:

Bernardini AYE  
Bradburn AYE  
Burnett AYE  
Hohn NAY  
Johnston AYE