

ORDINANCE NO. 2016-009

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, RELATING TO CROSS-CONNECTION CONTROL ASSEMBLIES FOR THE PROTECTION OF PUBLIC POTABLE WATER SUPPLIES; AMENDING ORDINANCE NO. 2007-093, CODIFIED AS CHAPTER 22, ARTICLE IV OF THE SARASOTA COUNTY CODE (THE "CODE"); AMENDING FINDINGS; DELETING DEFINITIONS; AMENDING MINIMUM STANDARDS; AMENDING CROSS-CONNECTION CONTROL PROGRAM; AMENDING ENFORCEMENT; AMENDING SCHEDULE OF FEES; RENUMBERING SECTIONS 22-93 THROUGH 22-98 OF THE CODE; CREATING A NEW SECTION 22-98 FOR ADOPTION OF CROSS-CONNECTION CONTROL MANUAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

SECTION 1. This Ordinance hereby amends Ordinance No. 2007-093, as codified in Article IV of Chapter 22 of the Sarasota County Code (the "Code"). In this Ordinance, new text is indicated by underlining and deleted text is indicated by ~~strikethrough~~.

SECTION 2. Section 22-91 of the Code is hereby amended as follows:

Sec. 22-91. - Findings.

The Board of County Commissioners of Sarasota County (the "Board") hereby makes the following findings:

- (1) Improperly protected water systems expose the public potable water supply to contamination which may be hazardous to the public health and safety.
- (2) Rule 62-555.360(1), (2) and (3), Florida Administrative Code ("F.A.C."), requires all community water systems to establish and implement a routine ~~c~~Cross ~~c~~onnection control program to detect and control ~~c~~Cross Connections and prevent backflow of contaminants into the water system. Such program shall provide that upon detection of a prohibited ~~c~~Cross ~~c~~onnection, both community and non-community water systems shall either eliminate the ~~c~~Cross ~~c~~onnection by installation of an appropriate backflow prevention device acceptable to the Department of Environmental Protection

(the "Department") or discontinue service until the contaminant source is eliminated.

- (3) The Board initially established the Cross-Connection Control Program with adoption of Ordinance No. 89-19, repealed and replaced by Ordinance No. 2007-093. Since that time, new references and standards to protect the community water system from contamination through cross-connection have been adopted which necessitate the repeal and replacement of Ordinance No. 2007-093 with this article.
- (4) The Board of ~~County Commissioners~~, sitting as the Sarasota County Land Development Regulation Commission, has reviewed the proposed ordinance and has found it to be consistent with the Sarasota County Comprehensive Plan.

SECTION 3. Section 22-92 of the Code is hereby deleted in its entirety:

~~Sec. 22-92. Definitions.~~

~~*Auxiliary Water Supply*—Any water supply on or available to the premises other than a Water Purveyor's approved public water supply. An Auxiliary Water Supply may include water from another Water Purveyor's public water supply or from any natural source, including, but not limited to, well, spring, stream, river, harbor, reuse or reclaimed or used waters such as recycled water from car wash businesses or industrial fluids released from manufacturing plants or similar businesses.~~

~~*Backflow*—The undesirable reversal of the flow of water or other substances through a Cross Connection and into the piping of a Community Water System or a consumer's potable water system.~~

~~*Backflow Preventer*—A device, assembly or means designed to prevent Backpressure, Backsiphonage, or Backflow.~~

~~*Backpressure*—A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, air/steam pressure, or any other means, which may cause Backflow.~~

~~*Backsiphonage*—A type of Backflow where the upstream pressure to a piping system is reduced to a subatmospheric pressure.~~

~~*Community Water System*—A public water system which serves at least 15 service connections used by year round residents or regularly serves at least 25 year round residents.~~

~~*Contamination*—An impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates a potential hazard to the public health through poisoning or through the spread of disease.~~

~~*Cross Connection* Any physical arrangement or potential arrangement whereby a Community Water System is or may be connected, directly or indirectly with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing~~

~~fixture, or other device which contains or may contain contaminated water, sewage or other waste, or liquid of unknown quality which may be capable of imparting contamination to the Community Water System as the result of Backflow. By pass arrangements, jumper connections, removable sections, swivel or changeable devices, and other temporary or permanent devices through which or because of which backflow could occur are considered to be Cross Connections.~~

~~*Health Hazards.* Any conditions, devices, or practices in a water supply system or its operation which create or may create an imminent and substantial danger to the health and well-being of the water consumer.~~

~~*Point of Service* (Fire Protection Systems) The point at which the underground piping for a fire protection system, using water as the extinguishing agent, becomes used exclusively for the fire protection system.~~

~~*Potable Water* Water that is safe for human consumption as described by Sarasota County Public Health.~~

~~*Reclaimed Water* Except as specifically provided in Chapter 62-610, F.A.C., as may be amended, means water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a wastewater treatment facility.~~

~~*Service Connection* The terminal end of a Community Water System where the Water Purveyor loses sanitary control over the water at its point of delivery to the customer's water system, normally the customer's side of the meter. Service connections shall also include water service connections to or from fire hydrants, fire protection systems, fire standpipes, automatic sprinkler systems and all other temporary or emergency water service connections from the Community Water System.~~

~~*Service Protection Backflow Preventer* A Backflow Preventer required by the Water Purveyor connected directly to the water meter or Service Connection(s) that protects the Community Water System. This Backflow Preventer may be part of the water meter assembly, fire department connection or installed as directed by the Water Purveyor. This method is also known as service protection or the containment method of Cross Connection control. This Backflow Preventer shall be under the direct management and control of the Water Purveyor.~~

~~*Water Purveyor* The owner or operator of a Community Water System distributing a potable water supply to the public.~~

SECTION 4. Section 22-93 of the Code is hereby renumbered as follows:

Sec. 22-932. - Applicability.

This article shall be applicable throughout unincorporated Sarasota County.

SECTION 5. Section 22-94 of the Code is hereby renumbered as follows:

Sec. 22-943. - Adopted by reference.

The following rules and regulations, as they may be amended from time to time, are hereby incorporated as if specifically set forth herein and all references herein to these rules and regulations shall be construed as referring to the most current version:

The American Water Works Association (AWWA) Manual M14

62-555.360, Florida Administrative Code (F.A.C.)

Part III of Chapter 62-610, F.A.C.

Chapter 9B-3.047(1), F.A.C.

Chapter 69A-46, F.A.C.

Title XXXVII Chapter 633, Florida Statutes (F.S.)

Title XXXII Chapter 489, F.S.

SECTION 6. Section 22-95 of the Code is hereby renumbered and amended as follows:

Sec. 22-954. - Minimum standards.

- (1) No person, firm, association, corporation or other legal entity shall own, operate or install within the unincorporated area of Sarasota County, Florida, a direct or indirect connection to a cCommunity wWater sSystem, unless such connection is in accordance with this article.
- (2) Community wWater wSystems that have service areas also served by a rReclaimed wWater system regulated under Part III of Chapter 62-610, F.A.C., shall establish and implement a cCross cConnection control program to detect and control cCross cConnections and to prevent bBackflow of contaminants into the cCommunity wWater system by requiring the installation of bBackflow pPreventers to isolate premises or property served by the cCommunity wWater sSystem. This method shall be known as cCross cConnection control by containment service protection.
- (3) ~~The Water Purveyor~~ Sarasota County Public Utilities (“Utilities”) shall manage all sService pProtection bBackflow pPreventers as required by Chapter 62-555.360, F.A.C., in order to protect the cCommunity wWater sSystem from harmful contaminants.
- (4) All bBackflow pPreventers installed downstream of the sService cConnection shall be installed as required by the Florida Building Code.

SECTION 7. Section 22-96 of the Code is hereby renumbered and amended as follows:

Sec. 22-965. - Cross-Connection Control Program.

(1) There is hereby established a ~~c~~Cross ~~c~~Connection ~~c~~Control ~~p~~Program for the Sarasota County Utilities System. All other ~~c~~Community ~~w~~Water ~~s~~Systems within the unincorporated area of Sarasota County shall adopt a ~~c~~Cross ~~c~~Connection ~~c~~Control ~~p~~Program to protect the service connection of the ~~c~~Community ~~w~~Water ~~s~~System in conformance with the requirements set forth herein. The ~~c~~Cross ~~c~~Connection ~~c~~Control ~~p~~Program is in addition to the fixture protection, in-premises or internal protection ~~b~~Backflow ~~p~~Preventers required by the Florida Building Code. ~~(1) Installation.~~

~~(a) All property owners shall have a contractor, licensed to perform the installation activities, install a Backflow Preventer approved by the Water Purveyor providing service to that property downstream of the water meter, at the property line when a meter is not present or at a location designated by the Water Purveyor in writing or by approved drawing. The type of Backflow Preventer shall be commensurate with the degree of actual or potential Health Hazards as determined by the Water Purveyor.~~

~~(b) When required by a Water Purveyor, a Service Protection Backflow Preventer shall be installed to protect all water service connections. No plumbing or piping outlets, tees, wyes, or connections shall exist between the water meter or service connection and the Service Protection Backflow Preventer unless such connections are protected by an approved Backflow prevention assembly as directed by the Water Purveyor.~~

~~(2) Service Connection Inspection.~~

~~(a) Following a 30-day written notice to the water customer of record, the Water Purveyor shall inspect the Service Connection(s) on that customer's property utilizing established criteria and procedures outlined in AWWA Manual M14.~~

~~(b) The Water Purveyor or its agent is authorized to enter upon properties to inspect for Cross Connections or water quality, to test Backflow Preventers, to conduct Health Hazard assessments, to inspect Reclaimed Water or reuse water systems, and to identify Auxiliary Water Supplies that could contaminate the Community Water System.~~

~~(c) If the inspection indicates that potential Cross Connection hazards exist, the Water Purveyor shall notify the water customer in writing of the requirements that the customer: (i) have installed an appropriate Backflow Preventer within 45 days of receiving notice and [(ii)] provide to the Water Purveyor a copy of the passing test results received from the certified contractor.~~

~~(d) In the event the Backflow Preventer is not timely installed, the Water Purveyor shall discontinue water service until the Cross Connection is either eliminated or protected with a Backflow Preventer approved by the Water Purveyor.~~

~~(3) *Annual Backflow Preventer Testing.*~~

~~(a) Water customers shall have the Backflow Preventer located on his/her property tested annually by a trained backflow prevention assembly tester or by a licensed contractor for Backflow Preventers. At a minimum, testers shall meet the requirements set forth in AWWA Manual M14. The Water Purveyor shall provide 30 days written notice to the water customer of the annual testing due date. The Water Purveyor may act as agent of the water customer in order to facilitate compliance with the testing requirements of this Program.~~

~~(i) The notice to the water customer shall include a statement that if the water customer fails to have the Backflow Preventer tested within 45 days of the testing due date, the Water Purveyor shall conduct the test and bill the water customer on the water bill.~~

~~(ii) The notice shall further provide that if the water customer does not desire that the Water Purveyor arrange for the testing, the customer shall provide the Water Purveyor with a valid and current test report including a written statement declining the testing service provided by Water Purveyor, within 45 days of receiving the notice.~~

~~(b) Testing shall be done in accordance with the AWWA Manual M14 and The American Society of Sanitary Engineers and University of Southern California's Foundation for Cross Connection Control and Hydraulic Research.~~

~~(c) Default: In the event the water customer fails to have the Backflow Preventer tested within 45 days of receiving notice from the Water Purveyor, the Water Purveyor shall conduct the testing and bill the water customer for the costs of the testing on the following months' water bill. Water Purveyors shall develop policies and rates for the testing service.~~

~~(d) All tested Backflow Preventers shall be labeled or tagged by the tester with numbered labels or tags supplied by the Water Purveyor and shall be completely filled out according to the Water Purveyor's instructions and affixed vertically on the downstream vertical piping in a visible location. The tag shall be constructed of durable materials lasting at least two years in direct sun and attached by sealing wire, plastic tie or an approved method and material as directed or supplied by the Water Purveyor. Information written on the tags and labels shall be clear, legible and weather resistant for two years. The Water Purveyor shall issue to fire protection contractors numbered fire protection labels and tags specific for fire protection system Backflow Preventers that are~~

~~installed after the Point of Service as defined in Chapter 633.021(16), F.S.~~

- ~~(e) Test reports for inspections conducted by other than the Water Purveyor shall be completed on original forms or in the format provided by the Water Purveyor, signed and dated by the tester and submitted to the Water Purveyor within 30 days of completing the test. At the Water Purveyor's option, an electronic filing of the required report may be submitted. Electronic submittals shall be in a format specified by the Water Purveyor having jurisdiction. The Water Purveyor may provide access to digital media for filing test reports or accessing data. Electronic filing formats will utilize a secure password system or electronic signature to ensure a valid entry. All test reports shall reference the affixed label or tag attached to the Backflow Preventer. False or misleading information submitted to the Water Purveyor by the tester or the water customer shall be considered a violation of this Ordinance and will void all associated test reports. The Water Purveyor reserves the right to refuse any test report that is not complete, accurate, and legible or is not based on a test conducted with equipment that has been calibrated within the past year.~~
- ~~(f) Properly calibrated test equipment is essential to ensure accurate test data acquisition. Testers or contractors shall check test equipment for accuracy at least annually. Calibration of the equipment shall be the responsibility of the tester or contractor. The Water Purveyor may refuse or reject any test report required by this Program when the accuracy of the test equipment is unknown or does not meet calibration requirements. Test gauges and equipment for this Program shall meet the calibration requirements set forth in AWWA Manual M14 or in the protocol established by the test equipment's manufacturer.~~
- ~~(g) Fire Protection. Unless declared otherwise by the State of Florida Department of Insurance or other State agency having jurisdiction, the installation, repair, maintenance and testing of a fire protection system must begin at the Point of Service for the fire protection system. The complete system begins at the Point of Service as defined in Section 633.021(19), F.S., and ends at the most remote head inside the facility. Anyone performing any kind of work, including installation, maintenance, testing or repair of the waterline after the Point of Service designated by Section 633.021(19) F.S., must be certified as a Fire Protection Contractor I, a Fire Protection Contractor II, or a Fire Protection Contractor V, pursuant to Section 633.521, F.S., and Chapter 69A-46, F.A.C.~~

~~(4) *Repair or Replacement of the Backflow Preventer.*~~

- ~~(a) In the event testing of the Backflow Preventer indicates that the Backflow Preventer is not functioning properly and needs to be repaired or replaced, the tester shall notify the water customer or the Water Purveyor, as specified by the Water Purveyor having jurisdiction, of the~~

~~necessity for repair or replacement, including a description of the problem and the cost to repair or replace.~~

~~(b) The water customer shall have 30 days in which to repair or replace the Backflow Preventer as required to have it functioning properly. The water customer may (i) contract for the repair or replacement of the Backflow Preventer with a licensed contractor for Backflow Preventers or (ii) request that the Water Purveyor contract for the necessary repair or replacement. In the event the Water Purveyor agrees to contract for the work, the customer shall be charged for the repair or replacement on his/her monthly utility bill.~~

(2) Notification to property owners of the requirements of this ordinance shall be as follows:

(a) First Notice – Notification of any required test, repair, replacement, or installation of an approved backflow prevention device shall be provided by first class mail allowing the property owner a minimum of 30 days to comply from the date of the notice. The County may provide additional notifications which may include letters, notices, or door hangers, either by first class mail, hand delivery, or other means to notify property owners of the requirements of this ordinance.

(b) Second Notice – Not less than 45 days from the First Notice, the County shall provide notice by certified mail or process service stating the reason(s) for non-compliance of this ordinance, actions required to obtain compliance, and possible code enforcement remedies. If certified mail or process service is unsuccessful, the County shall provide notice by first class mail. Notice shall be deemed given on the fifth day after the notification is deposited in the U.S. mail. The County may record this notice in the public record.

SECTION 8. Section 22-97 of the Code is hereby renumbered and amended as follows:

Sec. 22-976. - Enforcement.

Violations of this Ordinance may be enforced by the following remedies, which are cumulative and may be pursued simultaneously or consecutively:

- (1) Code enforcement action pursuant to Chapter 2, Article VIII, of the Sarasota County Code for which each day or fraction thereof that the violation continues shall be considered a separate offense;
- (2) Treated as a misdemeanor and, upon conviction, punishment by a fine not to exceed \$500.00 and/or imprisonment in the County Jail not to exceed 60 days or any other remedy available under the law;
- (3) Complaint for injunctive relief filed in the Twelfth Judicial Circuit in the State of Florida;

- (4) Termination of any current utility service being provided by ~~Sarasota County Utilities~~ or any other Water Purveyor to the property until such time as compliance is achieved.
- (5) Any other civil or criminal remedy available at law.

SECTION 9. Section 22-98 of the Code is hereby renumbered and amended as follows:

Sec. 22-987. - Schedule of fees.

The Board ~~shall provide~~ may adopt by resolution a schedule of Cross Connection Control Program fees and charges to be applicable for customers of the ~~Sarasota County Utility System~~ Utilities. ~~All other Water Purveyors~~ Any fees imposed by Utilities within unincorporated Sarasota County shall institute Board approved fees and charges in their tariff for the administration of this Article must be approved by the Board prior to implementation.

SECTION 10. A new Section 22-98 of the Code is hereby created as follows:

Sec. 22-98 – Adoption of Cross-Connection Control Manual

The Board shall adopt a Cross-Connection Control Program Manual by resolution.

SECTION 11. SEVERABILITY.

It is the intent of the Board that the provisions of this section shall be severable and, accordingly, the invalidity of any part of this section shall not affect the validity of any other part. Invalidity of any rule, regulation, agreement, or resolution adopted under authority of this section shall not invalidate this section or any other rule, regulation, agreement, or resolution similarly adopted.

SECTION 12. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon filing with the Office of the Secretary of the State of Florida.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Sarasota County, Florida, this _____ day of _____, 2016.

**BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA**

By: _____
Chair

ATTEST:

**KAREN RUSHING, Clerk of Circuit
Court and Ex-Officio Clerk of the Board of
County Commissioners of Sarasota County,
Florida**

By: _____
Deputy Clerk