

**CITY OF RIVIERA BEACH CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Meeting Date:** 5/5/2021

**Agenda Category:** ORDINANCE ON FIRST READING

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**Subject:** AMENDING THE CODE OF ORDINANCES, CHAPTER 20 (UTILITIES)

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**Recommendation/Motion:**

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<b>Originating Dept</b>	CITY MANAGER	<b>Costs</b>	N/A
<b>User Dept.</b>	CITY MANAGER	<b>Funding Source</b>	
<b>Advertised</b>	No	<b>Budget Account Number</b>	
<b>Date</b>			
<b>Paper</b>			
<b>Affected Parties</b>	Not Required		

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**Background/Summary:**

The City Council has previously enacted Cross-Connection regulations to protect the City's drinking water system from contaminants. Cross-Connections occur when there is a temporary or permanent connection between the City's public water system or consumer's potable water system and any source or system containing non-potable water or other substances, such as pool water or irrigation systems. Backflow devices are designed to protect potable water and the City's water supply system from contaminants where piping may be cross-connected and such cross-connections cannot be eliminated. The City Council finds that it is in the best interest of public health and safety to ensure that all backflow preventers continue to properly operate. The City Council desires to amend the City's Code of Ordinances to provide for additional Cross-Connection regulations that achieve the compelling government interest of protecting the City's drinking water supply.

**Fiscal Years**

**Capital Expenditures**

**Operating Costs**

**External Revenues**

**Program Income (city)**

**In-kind Match (city)**

**Net Fiscal Impact**

**NO. Additional FTE Positions  
(cumulative)**

**III. Review Comments**

A. Finance Department Comments:

B. Purchasing/Intergovernmental Relations/Grants Comments:

C. Department Director Review:

Contract Start Date

Contract End Date

Renewal Start Date

Renewal End Date

Number of 12 month terms this renewal

Dollar Amount

Contractor Company Name

Contractor Contact

Contractor Address

Contractor Phone Number

Contractor Email

Type of Contract

Describe

**ATTACHMENTS:**

<b>File Name</b>	<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
CM-City_Council_Memo-Cross-Connection_Program.docx	Memo to Mayor and Council	4/28/2021	Cover Memo
Cross_Connection_Ordinance_No._4167.docx	Ordinance No. 4167	4/29/2021	Resolution
Cross_Connection_Control_Program_Proposal.docx	Cross-Connection Control Program Proposal	4/29/2021	Backup Material

**REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
City Manager	Huff, ReChee	Approved	4/28/2021 - 4:59 PM
Purchasing	Pemsel, Althea	Approved	4/28/2021 - 6:33 PM
Finance	sherman, randy	Approved	4/29/2021 - 4:59 PM
Attorney	Wynn, Dawn	Approved	4/29/2021 - 5:04 PM
City Clerk	Robinson, Claudene	Approved	4/29/2021 - 5:09 PM
City Manager	Jacobs, Deirdre	Approved	4/29/2021 - 8:22 PM



"The Best Waterfront City in Which to Live, Work And Play."

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**CITY OF RIVIERA BEACH**

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**TO:** HON. MAYOR, CHAIRPERSON, AND CITY COUNCIL

**THROUGH:** JONATHAN EVANS, CITY MANAGER, MPA, MBA, ICMA-CM

**FROM:** DEIRDRE JACOBS, ACTING EXECUTIVE DIRECTOR, UTILITY SPECIAL DISTRICT

**SUBJECT:** **CROSS-CONNECTION CONTROL PROGRAM**

**DATE:** MAY 5, 2021

**CC:** GENERAL PUBLIC

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**Background:**

The City Council has previously enacted Cross-Connection regulations to protect the City's drinking water system from contaminants. Cross-Connections occur when there is a temporary or permanent connection between the City's public water system or consumer's potable water system and any source or system containing non-potable water or other substances, such as pool water or irrigation systems. Backflow devices are designed to protect potable water and the City's water supply system from contaminants where piping may be cross-connected and such cross-connections cannot be eliminated.

The City Council finds that it is in the best interest of public health and safety to ensure that all backflow preventers continue to properly operate. The City Council desires to amend the City's Code of Ordinances to provide for additional Cross-Connection regulations that achieve the compelling government interest of protecting the City's drinking water supply.

**City Goals:**

The Citywide goal is to Accelerate Operational Excellence.

**Fiscal/Budget Impact:**

No Fiscal Impact.

**Recommendation:**

Staff recommends that City Council approves the amendment to Ordinance 2, Chapter 20 (Utilities), Article V (Water), Division II, Cross-Connection Control to comply with FL Statutes 62-555.360 (Cross-Connection Control for Public Water Systems).

**Attachments:**

1. Ordinance No. 4167

**ORDINANCE NO. 4167**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 20 (UTILITIES), ARTICLE V (WATER), DIVISION II, CROSS CONNECTION CONTROL, TO ENACT CROSS CONNECTION CONTROL REGULATIONS TO PROTECT THE CITY'S DRINKING WATER SYSTEM FROM CONTAMINANTS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Riviera Beach is vested with the authority to adopt ordinances to protect the health, safety and welfare of the City's inhabitants and visitors; and

**WHEREAS**, the City Council has previously enacted cross connection control regulations to protect the City's drinking water system from contaminants; and

**WHEREAS**, cross-connections occur when there is a temporary or permanent connection between the City's public water system or consumer's potable water system and any source or system containing non-potable water or other substances, such as pool water or irrigation systems; and

**WHEREAS**, backflow devices are designed to protect potable water and the City's water supply system from contaminants where piping may be cross-connected and such cross connections cannot be eliminated; and

**WHEREAS**, the City Council finds that it is in the best interest of public health and safety to ensure that all backflow preventers continue to properly operate; and

**WHEREAS**, the City Council desires to amend the City's Code of Ordinances to provide for additional cross connection regulations that achieve the compelling government interest of protecting the City's drinking water supply.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, that:**

**SECTION 1:** Chapter 20, Article V, Division II, of the Code of Ordinances of the City of Riviera Beach is deleted and is amended in its entirety and shall now read as follows:

*~~DIVISION 2. CROSS CONNECTION CONTROL~~*

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~~Sec. 20-231. Definitions.~~

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:-

~~*Air-gap separation* means a physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, in no case less than one inch.~~

~~*Approved check valve* means a check valve that seats readily and completely. It must be carefully machined to have free moving parts and assured water tightness. The face of the closure element and valve seat must be bronze, composition or other noncorrosible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze, composition or other noncorrosible, non-sticking material machined for easy, dependable operation. The closure element (e.g., clapper) shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.~~

~~*Approved double-check valve assembly* means an assembly of at least two independently acting approved check valves, including tightly closing shutoff valves on each side of the check valve assembly and suitable leak detector drains plus connections available for testing the watertightness of each check valve.~~

~~*Approved reduced pressure principle backflow prevention device* means a device incorporating two or more check valves and an automatically operating differential relief located between the two checks, two shutoff valves and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone and two check valves, less than the pressure on the public water supply side of the device. At cessation of normal flow, the pressure between the check valves shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall be open to the atmosphere thereby providing an air gap in the device. To be approved, these devices must be readily accessible for maintenance and testing and installed in a location where no part of the valve will be submerged.~~

~~*Approved water supply* means any water supply approved by, or under the public health supervision of, a public health agency of the state or its political subdivisions. In determining what constitutes an approved water supply, the state department of public health reserves final judgment as to its safety and potability.~~

~~*Auxiliary supply* means any water supply on or available to the premises other than the public water supply.~~

~~*Cross-connection* means any unprotected connection between any part of a water system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as safe, wholesome and potable for human consumption.~~

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**~~Sec. 20-232. Derivation.~~**

~~This division is a modified version of the California Administrative Code, Title 17, Public Health; Chapter 5, Sanitation (Environmental); Subchapter 1, Engineering (Sanitary); Group 4, Drinking Water Supplies.~~

**~~Sec. 20-233. Purpose of regulations to safeguard drinking water supplies.~~**

~~(a) The purpose of this division is to:~~

- ~~(1) Protect the public water supply against actual or potential cross connections by isolating within the premises contamination or pollution that may occur because of some undiscovered or unauthorized cross connection on the premises.~~
- ~~(2) Eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption.~~
- ~~(3) Eliminate cross connections between drinking water systems and other sources of water or process water used for any purpose whatsoever which jeopardize the safety of the drinking water supply.~~
- ~~(4) Prevent the making of cross connections in the future.~~
- ~~(5) Encourage the exclusive use of public sources of water supply.~~
- ~~(6) Protect the drinking water supply within the premises where plumbing defects or cross connections may endanger the drinking water supply available on the premises.~~

~~(b) The regulations are to be reasonably interpreted. It is the intent of these regulations to recognize that there are varying degrees of hazard and to apply the principle that the degree of protection should commensurate with the degree of hazard.~~

~~(c) These regulations are not to be construed as prohibiting other governmental authorities from establishing requirements regarding protection of water supply more rigid than herein indicated, where circumstances warrant.~~

~~(d) It is recognized that the control of cross connections requires cooperation between water purveyors and health agencies. The water purveyor has a primary responsibility to prevent water from unapproved sources, or any other substance, entering the public water supply system. The health agency has the overall responsibility for preventing water from unapproved sources from entering either the potable water systems within water consumers' premises or the public water supply directly.~~

**~~Sec. 20-234. Protection of public water system at service connection.~~**

~~(a) All commercial and industrial classifications that are served by the city water and sewer department are required to install and maintain an appropriate backflow prevention device. The type and size of the device will be determined by the water and sewer department.~~

~~(b) All multistory buildings regardless of intended use shall install and maintain all required backflow prevention devices. The type and size will be determined by the water and sewer~~

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~~department. All single family units will be exempt from this requirement unless it is determined that a special health hazard exists.~~

- ~~(c) Backflow prevention devices shall be installed on the service connection to any premises that have internal cross connections unless such cross connections are abated to the satisfaction of the water purveyor and approved by the state or local health department.~~
- ~~(d) It shall be the responsibility of the water user to provide protective devices as required.~~

**Sec. 20-235. Type of protection.**

~~The protective device required shall depend on the degree of hazard as tabulated below:~~

- ~~(1) At the service connection to any premises where there is an auxiliary water supply handled in a separate piping system with no known cross connection, the public water supply shall be protected by an approved double check valve assembly.~~
- ~~(2) At the service connection to any premises on which a substance that would be objectionable but not necessarily hazardous to health, if introduced into the public water supply, is handled so as to constitute a cross connection, the public water supply shall be protected by an approved double check valve assembly.~~
- ~~(3) At the service connection on any premises on which there is an auxiliary water supply where cross connections are known to exist which cannot be presently eliminated, the public water supply system shall be protected by an approved reduced pressure principle backflow prevention device. A double check valve assembly may be used in lieu of such device if local experience indicates that double check valves are reliably operated and if approved by the water purveyor and local health agency.~~
- ~~(4) At the service connection to any premises on which any material dangerous to health or toxic substance in toxic concentration is or may be handled under pressure, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the service cock and all piping between the service cock and receiving tank shall be entirely visible. If these conditions cannot reasonably be met, the public water supply shall be protected with either an approved reduced pressure principle backflow prevention device, or an approved double check valve assembly, providing the alternative is acceptable to both the water purveyor and the local health department.~~
- ~~(5) At the service connection to any sewage treatment plant or sewage pumping station, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the service cock and all piping between the service cock and receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected with an approved reduced pressure principle backflow prevention device, providing this alternative is acceptable to both the water purveyor and local health department. Final decision in this matter shall rest with the state department of public health.~~



**Sec. 20-236. Frequency of inspection of protective devices.**

~~It shall be the duty of the water user on any premises on account of which backflow protective devices are installed to have competent inspections made at least once a year or more often in those instances where successive inspections indicate repeated failure. These devices shall be repaired, overhauled or replaced at the expense of the water user whenever they are found to be defective. It shall be the duty of the water purveyor and the health department to see that these tests are made in accordance with the responsibility designated. Records of such tests, repairs, and overhaul shall be kept and made available to the water purveyor and the local health department.~~

**Sec. 20-237. Protection of potable water system within premises.**

- ~~(a) *Separate drinking water systems.* Whenever the health agency determines that it is not practical to protect drinking water systems on premises against entry of water from a source of piping system or equipment that cannot be approved as safe or potable for human use, an entirely separate drinking water system shall be installed to supply water at points convenient for consumers.~~
- ~~(b) *Fire system.* Water systems for fighting fire derived from a supply that cannot be approved as safe or potable for human use shall, wherever practicable, be kept wholly separate from drinking water pipelines and equipment. In cases in which the domestic water system is used for both drinking and firefighting purposes, approved backflow prevention devices shall be installed to protect such individual drinking water lines as are not used for firefighting purposes. It is hereby declared that it is the responsibility of the person causing the introduction of the unapproved or unsafe water into the pipelines to see that a procedure is developed and carried out to notify and protect users of this piping system during the emergency that special precautions are taken to disinfect thoroughly and flush out all pipelines which may have become contaminated before they are again used to furnish drinking water. If the means of protection of water consumers is by disinfection of the auxiliary firefighting supply, the installation and its use shall be thoroughly reliable. When disinfection of the auxiliary supply itself is depended upon to render the water safe, the means of applying the disinfectant under this regulation shall be automatic with operation of the pump or pumps employed with the dangerous water in question. Adequate supplies of chlorine or its compound must be kept on hand at all times. Chlorine dosing equipment shall be tested daily and kept in good operating condition. The public water supply must be protected against backflow from such dual domestic fire systems as detailed under type of protection section 20-235.~~
- ~~(c) *Process waters.* Potable water pipelines connected to equipment for industrial processes or operations shall be disconnected therefrom if practicable. Where disconnection is not practicable, a suitable backflow prevention device located beyond the last point from which drinking water may be taken shall be provided on the feed line to process piping or equipment. If the particular process liquid is especially corrosive or apt to prevent reliable action of the backflow prevention device, air gap separation shall be provided. These devices shall be tested by the water user at least once a year or more often in these instances where successive inspections indicate repeated failure. The devices shall be repaired, overhauled or replaced.~~

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~~whenever they are found to be defective. Records of tests, repairs and replacement shall be kept and made available to the local health department.~~

- ~~(d) *Sewage treatment plants and pumping stations.* Sewage pumps shall not have priming connections directly off any drinking water systems. No connections shall exist between the drinking water system and any other piping, equipment or tank in any sewage plant or sewage pumping station.~~
- ~~(e) *Plumbing connections.* Where the circumstances are such that there is special danger to health by the backflow of sewage as from sewers, toilets, hospital bedpans and the like into a drinking water system, a dependable device shall be installed to prevent such backflow. The purpose of these regulations is not to transcend local plumbing regulations but only to deal with those extraordinary situations in which sewage may be forced or drawn into the drinking water piping. These regulations do not attempt to eliminate at this time the hazards of backsiphonage through flushometer valves on all toilets but deal with those situations where the likelihood of vacuum conditions in the drinking water is definite and there is a special danger to health. Devices suited to the purpose of avoiding backsiphonage from plumbing fixtures are roof tanks or separate pressure systems separately piped to supply such fixtures, recognized approved vacuum or siphon breakers and other backflow protective devices which have been proved by appropriate tests to be dependable for destroying the vacuum. Inasmuch as many of the serious hazards of this kind are due to water supply piping which is too small, thereby causing vacuum conditions when fixtures are flushed or water is drawn from the system in other ways, it is recommended that the water supply piping that is too small be enlarged whenever possible.~~
- ~~(f) *Pier and dock hydrants.* Backflow protection by a suitable backflow prevention device shall be provided on each drinking water pier head outlet used for supply vessels at piers or waterfronts. These assemblies must be located where they will prevent the return of any water from the vessel into the drinking water pipeline or into another adjacent vessel. This will prevent such practices as connecting the ship fire pumping or sanitary pumping system with a dock hydrant and thereby pumping contaminated water into the drinking water system and thence to adjacent vessels or back into the public mains.~~
- ~~(g) *Marking safe and unsafe water lines.* Where the premises contain dual or multiple water systems and piping, the exposed portions of pipelines shall be painted, banded or marked at sufficient intervals to distinguish clearly which water is safe and which is not safe. All outlets from secondary or other potentially contaminated systems shall be posted as being contaminated and unsafe for drinking purposes. All outlets intended for drinking purposes shall be plainly marked to indicate that fact.~~

**~~Sec. 20-238. Water supervisor.~~**

- ~~(a) The health department and the water purveyor shall be kept informed of the identity of the person responsible for the water piping on all premises concerned with these regulations. At each premises where it is necessary in the opinion of the health department, a water supervisor-~~

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~~shall be designated. This water supervisor shall be responsible for the installation and use of pipelines and equipment and for the avoidance of cross-connections.~~

~~(b) In the event of contamination or pollution of the drinking water system due to a cross connection on the premises, the local health officer and water purveyor shall be promptly advised by the person responsible for the water system so that appropriate measures may be taken to overcome the contamination.~~

**Sec. 20-239. Sanctions for noncompliance.**

~~Failure of the consumer to install, maintain or permit the testing and inspection of backflow prevention devices by the city as required in this article shall be grounds for termination of the water service to the premises by the city as provided in this section. In the case of an immediate hazard to the public health, the water service may be terminated without notice to the consumer immediately, although a hearing before the director of utilities shall be immediately scheduled upon request of the consumer to determine the justness and fairness of the water service termination. Termination of water service will be done within 30 days of second notice of violation.~~

**SECTION 2.** Chapter 20 Article V, Division II, of the Code of Ordinances of the City of Riviera Beach, Florida, is hereby amended to read as follows:

**Sec. 20-231. Regulation of Cross Connection.**

**Definitions.** The following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this section:

- (a) Backflow preventer means a specific device designed to prevent cross-connection or backflow into the public water supply.
- (b) Certified backflow testers/repair technicians means a person or firm certified by the City to be competent to install, test and repair backflow devices and to make the required reports.
- (c) Cross-connection means any temporary or permanent connection between the City's potable (drinking) water system and any source containing non-potable water or other liquid which may be capable of imparting contamination to the public water supply as the result of backflow. Cross connection includes piping between the City water system and any cooling system, pool facility, irrigation system, etc.
- (d) Cross-connection control manual means the City's current Cross-Connection Control Manual, as amended from time to time, available for inspection from the Riviera Beach Utility Special District (RBUSD).

**SECTION 3.** Chapter 20 Article V, Division II, of the Code of Ordinances of the City of Riviera Beach, Florida, is hereby amended to read as follows:

**Sec. 20-232. Prohibitions.**

No service connection that creates a hazard to the City's public water system shall be installed or maintained unless the City's water system is protected as required by this section. All cross-connections not protected by approved backflow preventers are prohibited. Water service to any premises shall be discontinued if a backflow preventer is not installed, tested and maintained in accordance with this section.

**SECTION 4.** Chapter 20 Article V, Division II, of the Code of Ordinances of the City of Riviera Beach, Florida, is hereby amended to read as follows:

**Sec. 20-233. Cross-Connection Control Manual.**

The City's Cross-Connection Control Manual dated May 19, 2021 and as amended from time to time, is hereby adopted by reference. The Manual shall be maintained in the RBUSD and shall be available at all times for public inspection.

**SECTION 5.** Chapter 20 Article V, Division II, of the Code of Ordinances of the City of Riviera Beach, Florida, is hereby amended to read as follows:

**Sec. 20-234. Backflow Preventer Required.**

- (a) An appropriate and approved backflow preventer shall be installed as part of each non-residential and multi-family service connection. All connections for fire sprinkler systems connected to the public water system shall be protected in accordance with the Cross-Connection Control Manual. An appropriate and approved backflow preventer shall be installed as part of each single-family residential service connection wherever and whenever any of the following conditions exist:
- i. An auxiliary water supply;
  - ii. Any cross-connection exists;
  - iii. Internal plumbing or piping arrangements are unknown, making it \_\_\_\_\_ impracticable or impossible to determine whether a cross-connection exists;
  - iv. The property is located in a flood zone;
  - v. A swimming pool is constructed or renovated;
  - vi. An irrigation system is installed or replaced;
  - vii. The residential meter is repaired or replaced.

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All backflow preventers installed and existing as of October 1, 2017, that do not meet the requirements of this section or the Cross-Connection Control Manual, but were previously approved by the City and have been properly maintained and continue to satisfactorily protect the City's public water system may remain until such time as such backflow preventer requires replacement or relocation, and at such time shall be replaced with a backflow preventer that meets the requirements of this section and the Cross-Connection Control Manual.

- (b) Type required. The type of backflow preventer required shall be determined in accordance with the Cross-Connection Control Manual, based on the degree of hazard posed to the City's public water system. Generally, the type required is as follows:

Residential: Dual check valve, except if connection is larger than 1 inch or a high hazard exists then a reduced pressure principal assembly is required or as otherwise specified in the Cross-Connection Control Manual.

Commercial: Reduced pressure principal assembly, or as otherwise specified in the Cross-Connection Control Manual.

- (c) Lead free. All backflow preventers must be lead free. The lead-free indication "LF" shall be stamped on the body of the preventer device or included in the serial number.

- (d) Installation.

- a. The City will install all new residential dual check valve back flow preventers at time of meter installation.
- b. All other backflow preventers shall be installed in accordance with the Cross-Connection Manual by certified backflow testers/repair technicians who shall obtain the required City permit for installation. Installation requirements and location guidelines are set forth in the Cross-Connection Control Manual.
- c. All newly installed backflow preventers shall be certified by the City.
- d. Permit and certification fees shall be established by resolution of the City Council.

- (e) Testing and repair.

- a. All backflow preventers shall be tested and repaired only by certified backflow testers/repair technicians and in accordance with the Cross-Connection Control Manual and shall be repaired within 30 days if they fail to meet performance standards, except for facilities classified as high hazard, which shall have all repairs completed within 15 days.
- b. Residential. Backflow preventers for residential service connections that are 1

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inch or less in diameter shall be tested at least once every two years.

- c. Non-residential. Backflow preventers for non-residential service connections shall be tested annually.

**SECTION 6.** Chapter 20 Article V, Division II, of the Code of Ordinances of the City of Riviera Beach, Florida, is hereby amended to read as follows:

**Sec. 20-235. Reports.** A copy of the testing report shall be submitted to the RBUSD within 10 business days after completion of the testing and/or repair work. The report shall be submitted with the applicable administrative fee, as established by resolution of the City Council. Failure to submit testing reports may result in an interruption of water service. It shall be unlawful for any customer or certified tester/repair technician to submit any record to the City which is false or incomplete in any material way.

**SECTION 7.** Chapter 20 Article V, Division II, of the Code of Ordinances of the City of Riviera Beach, Florida, is hereby amended to read as follows:

**Sec. 20-236 Replacement.** All backflow preventers shall be replaced only by certified backflow testers/repair technicians and in accordance with the Cross-Connection Control Manual. All residential dual check devices shall be replaced or refurbished by the City at least once every 10 years, or as otherwise provided in compliance with the Cross-Connection Control Manual.

**SECTION 8.** Chapter 20 Article V, Division II, of the Code of Ordinances of the City of Riviera Beach, Florida, is hereby amended to read as follows:

**Sec. 20-237. Notice of Cross Contamination.** All persons shall immediately notify the City's RBUSD if such person has reason to believe that backflow has occurred to the public water system or if a source of non-potable water or other liquid which may be connected to the City's public water system is or has potentially been contaminated or polluted.

**SECTION 9.** Chapter 20 Article V, Division II, of the Code of Ordinances of the City of Riviera Beach, Florida, is hereby amended to read as follows:

**Sec. 20-238. Termination of service.** Any facility or premises with a backflow preventer receiving water from the City's public water system that fails to perform the required testing or complete required repairs or replacement of backflow preventers

in accordance with this section and/or the Cross-Connection Control Manual shall be subject to termination of water service following written notice to the owner of the facility or premises. Such termination shall continue until all violations of this section and the Cross-Connection Control Manual are corrected. In the event of termination of water service, restoration of service shall require payment of all applicable fees and charges for utility services, as established by resolution of the City Council. In emergency conditions when the City's public water supply is being contaminated or is in immediate danger of contamination, water service shall be disconnected immediately without notification.

**SECTION 10.** Chapter 20 Article V, Division II, of the Code of Ordinances of the City of Riviera Beach, Florida, is hereby amended to read as follows:

**Sec. 20-239. Inspection.** Authorized City employees or agents shall be permitted to enter upon properties at reasonable times for the purpose of sampling or testing the potable water supply or to make inspections or observations of connections to the City's water supply.

**SECTION 11.** Chapter 20 Article V, Division II, of the Code of Ordinances of the City of Riviera Beach, Florida, is hereby amended to read as follows:

**Sec. 20-240. Certified tester/repair technician.** The City will certify individuals and companies that meet the requirements set forth in the Cross-Connection Control Manual as authorized to perform the installation, testing and repairs of backflow preventers within the City. The RBUSD shall maintain a list of certified backflow testers/repair technicians. Certified tester/repair technicians shall comply with all requirements set forth in the Cross-Connection Control Manual and shall be re-certified, register and calibrate equipment and maintain and submit records as required in accordance with the Manual. Certified tester/repair technicians are not authorized and shall not use any City logo or service mark in any advertising or business forms or media.

**SECTION 12.** Chapter 20 Article V, Division II, of the Code of Ordinances of the City of Riviera Beach, Florida, is hereby amended to read as follows:

**Sec. 20-241. Fees and charges.** The City Council may, by resolution, from time to time, establish fees and charges for the administration of this section.

**SECTION 13.** Chapter 20 Article V, Division II, of the Code of Ordinances of the City of Riviera Beach, Florida, is hereby amended to read as follows:

**Sec. 20-242. Enforcement.**

- (a) Any violations of this section shall be enforced in accordance with the Cross Connection Control Manual.
- (b) Violation by a certified tester/repair technician may result in revocation of the certification for a period not exceeding one year for the first violation. Certification may be revoked permanently should the certified tester/repair technician be found to have committed violations on more than one occasion. The City may also file a complaint with the county or state agency responsible for issuing licenses or certificates.
- (c) In addition to any other action, failure to correct any cross-connection or perform any required testing or complete required repairs of any backflow preventer within the time required by written notice from the City may result in the correction of the cross- connection or the completion of testing or repairs by the City under extraordinary circumstances to prevent backflow of contaminants into the City public water system. In the event of such action by the City, the City's costs and all appropriate charges, as established by resolution of the City Council, will be billed to the owner of the facility or premises.

**SECTION 14: Codification.** Authority is hereby granted to codify the text amendments set forth in this Ordinance.

**SECTION 15: Repeal of Laws in Conflict.** All ordinances or parts of ordinances that conflict herewith are hereby repealed.

**SECTION 16: Severability.** Should any section or provision of this Ordinance or any portion, paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**SECTION 17: Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

[SIGNATURES ON FOLLOWING  
PAGE]

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**PASSED and APPROVED** on first reading this \_\_\_ day of \_\_\_\_\_, 2021.

**PASSED and ADOPTED** on second and final reading this \_\_\_ day of \_\_\_\_\_, 2021.

**APPROVED:**

\_\_\_\_\_  
**RONNIE L. FELDER**  
**MAYOR**

\_\_\_\_\_  
**SHIRLEY D. LANIER**  
**CHAIRPERSON**

**ATTEST:**

\_\_\_\_\_  
**KASHAMBA MILLER-ANDERSON**  
**CHAIR PRO -TEM**

\_\_\_\_\_  
**CLAUDENE L. ANTHONY, CMC**  
**CITY CLERK**

\_\_\_\_\_  
**TRADRICK MCCOY**  
**COUNCIL MEMBER**

\_\_\_\_\_  
**DOUGLAS A. LAWSON**  
**COUNCIL MEMBER**

\_\_\_\_\_  
**JULIA BOTEL, Ed. D**  
**COUNCIL MEMBER**

**1<sup>ST</sup> READING**

**2<sup>ND</sup> & FINAL READING**

**MOTIONED BY:** \_\_\_\_\_

**MOTIONED BY:** \_\_\_\_\_

**SECONDED BY:** \_\_\_\_\_

**SECONDED BY:** \_\_\_\_\_

**T. MCCOY** \_\_\_\_\_

**T. MCCOY** \_\_\_\_\_

**K. MILLER-ANDERSON** \_\_\_\_\_

**K. MILLER-ANDERSON** \_\_\_\_\_

**S. LANIER** \_\_\_\_\_

**S. LANIER** \_\_\_\_\_

**J. BOTEL** \_\_\_\_\_

**J. BOTEL** \_\_\_\_\_

**D. LAWSON** \_\_\_\_\_

**D. LAWSON** \_\_\_\_\_

Reviewed as to Form and Legal Sufficiency:

\_\_\_\_\_  
**DAWN S. WYNN**  
**CITY ATTORNEY**

**DATE:** \_\_\_\_\_





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December 14, 2020

Ms. Deirdre Jacobs  
Assistant City Manager  
City of Riviera Beach Utility District  
600 West Blue Heron Boulevard  
Riviera Beach, FL 33404

Subject: **City of Riviera Beach  
Cross-Connection Control Program Update**

Dear Ms. Jacobs,

We are pleased to offer the following proposal for the update of Riviera Beach Utility Special District's (RBUSD) Cross-Connection Control Program. We understand that the RBUSD's Program is in need of review and update to comply with the latest regulatory requirements regarding cross connection control and public water supply systems. To update the program, we recommend reviewing existing documentation, developing any required updates to ordinances, standards, codes, procedures, and protocols, and development of an implementation plan for the new procedures and requirements. A more detailed description of the tasks proposed are listed below:

**Task 1 – Submit Data Request to RBUSD and Review Background Information**

The purpose of the RBUSD Cross-Connection Control program is to protect the public potable water supply from the possibility of contamination or pollution as required by FDEP (Rule 62-555 or latest edition, FAC). A review of the existing program will be conducted to identify any improvements or required updates to the Cross-Connection Control Program to ensure compliance with FDEP Rules 62-555, latest edition. HCE will review existing policies, procedures, ordinances, and code requirements to identify required updates and/or modifications to current practices to comply with FDEP rules and requirements. Documentation to be reviewed includes:

- City Codes and Ordinances;
- RBUSD standards and reports;
- Standard Operating Procedures including forms/templates.
- Existing data regarding the current program.
- Existing workflows/interfaces with other departments, the public, etc.
- Existing ordinances for up to three other utilities in South Florida in compliance with FAC 62-555, latest edition.



Task 1 Deliverables:

1. Summary of requested data and received/compiled information.

**Task 2 – Implementation Plan and Procedures**

Following the review of the City and RBUSD written documentation and procedures, and existing ordinances for others in compliance with FAC 62-55, HCE will develop an implementation plan and schedule for the establishment of an updated cross connection control program including:

- Identification of proposed tools for data collection and storage;
- Development of proposal to request plumbing and contractual services in support of program implementation;
- Identification of cross connection program workflow and procedures.

This task includes up to six (6) bi-weekly meetings with RBUSD and City staff to discuss current practices and proposed program modifications. Discussion will include the development of a schedule for the implementation of any required changes to the current program including modifications to the current data tracking system, record-keeping, intradepartmental and interdepartmental coordination, reporting, and established roles and responsibilities for staff and management of RBUSD's Cross-Connection Control Program.

Task 2 Deliverables:

1. Two (2) hard copies and one electronic PDF copy of the Cross-Connection Control Implementation Plan and Schedule.

**Task 3 – Update Ordinance and Finalize Procedures**

This task includes the development of an updated cross connection control ordinance for final review and consideration by RBUSD and the City and finalization of program procedures and required tasks/workflow. This task includes attending up to eight meetings with City staff to discuss the options related to the ordinance, new procedures and workflows. Preparation of revised documentation to comply with F.A.C. requirements. This task includes attendance at two (2) agenda review meeting and two (2) RBUSD Commission meetings to assist with presentation of program requirements and ordinance modification's approval.

Task 3 Deliverables:

1. One electronic Word and PDF copy of the revised Cross-Connection Control Ordinance.



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2. One electronic Word and PDF copy of the final Cross-Connection Control Program Procedures.

**ASSUMPTIONS:**

1. Programming of database is not included in this task order. Any changes to RBUSD database and tracking systems identified will be provided under a separate contract with a database development provider.

**SCHEDULE**

The above tasks will be completed according to the following schedule: Two weeks review time by RBUSD is included in the proposed schedule.

Task 1 – Review of Documentation	30 days from receipt of documentation from RBUSD and the City.
Task 2 – Implementation Plan	90 days from completion of Task 1
Task 3 – Update Ordinance	120 days from completion of Task 2

**COMPENSATION**

Compensation will be in accordance with the attached budget summary (Attachment A) on a time and expense basis with a not-to-exceed work authorization amount of \$67,340. Monthly progress payments will be invoiced based on percent complete and as approved by RBUSD.

Sincerely,  
HOLTZ CONSULTING ENGINEERS, INC.

Andrea Holtz, PE  
President

**CITY OF RIVIERA BEACH CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Meeting Date:** 5/5/2021

**Agenda Category:** REGULAR RESOLUTION

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**Subject:** APPROVE RESOLUTION ESTABLISHING A FRANCHISE FEE FOR SOLID WASTE SERVICES

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**Recommendation/Motion:** Approve Resolution establishing a Franchise Fee for Solid Waste Services.

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**Originating Dept** FINANCE      **Costs** N/A

**User Dept.**      **Funding Source**

**Advertised** No      **Budget Account Number**

**Date**

**Paper**

**Affected Parties** Not Required

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**Background/Summary:**

On March 7, 2021, the City issued a Request for Proposals for Solid Waste Services (RFP 101-21-1). Under the terms of the solicitation, the City will grant the selected Contractor the exclusive Franchise to operate and maintain comprehensive solid waste, bulk waste and other residential and commercial collection and disposal services for the City. In consideration for the privilege granted to the Contractor to use and occupy the streets, alleys, bridges, easements and other public places of the City, the Contractor shall pay to the City a Franchise Fee for all services the Contractor provides within the City's municipal corporate limits. In accordance with the solicitation, such Franchise Fees shall be established by resolution of the City Council, as may be amended from time to time, and based on a percentage of the Contractor's Gross Revenues.

The current Franchise Agreement with Waste Management (Agreement), entered into in February 2011, contained a flat dollar amount Franchise Fee. The initial Franchise Fee was \$117,000 per month, subject to the same annual rate adjustment applicable to Residential Curbside Rates as provided in the Agreement. Today, the City receives \$136,007 per month, a 16.25% increase over the ten-year contract period.

The calculation of the Franchise Fees as stipulated in the 2011 Franchise Agreement has proven to have an adverse financial impact to the City as described below:

- The annual rate adjustment calculates the average cost to the Contractor to provide Residential Curbside service. As the City's residential counts grow, the average fixed costs to provide Residential Curbside service has decreased, while at the same time, revenues to the Contractor have increased. In April 2011, revenues invoiced by the Contractor were \$171,367, in February 2021, revenues invoiced by the Contractor were \$206,412, a 20.5% increase over the ten-year term of Agreement.

- The Franchise Fee is deducted from the monthly residential revenues invoiced and