ORDINANCE NO. 3323

AN ORDINANCE OF THE CITY OF PANAMA CITY, FLORIDA, AMENDING ORDINANCE NO. 2607, TO PROVIDE FOR ENFORCEABILITY OF INSPECTIONS OF BACK FLOW PREVENTER ASSEMBLIES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Florida Administrative Code Rule 62-555.360 requires that back flow preventer assemblies be tested after installation or repair and at least annually thereafter; and

WHEREAS, the Florida Department of Environmental Protection (FDEP) is the agency responsible for ensuring compliance and can implement fines on any public water system for non-compliance; and

WHEREAS, the City Commission wishes to prevent unnecessary fines on the Citizens of Panama City by creating a mandatory inspection and fee process for all back flow preventer assemblies installed on the public water system;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PANAMA CITY, FLORIDA:

SECTION 1. MUNICIPAL CODE AMENDMENT. Section 23-35. Cross Connection Program, is hereby amended to provide and read as follows:

(text ~~stricken~~ is deleted, text <u>underlined</u> is added)

Sec. 23-35. Cross connection program.

(a) *Adoption by reference.* The city commission hereby approves and adopts as part of this article the City of Panama City Cross Connection Program.

(b) *Amendment.* The cross connection program may be amended by the city commission from time to time to protect the health and welfare of the residents, and any amendments shall automatically become part of this article and be enforced in accordance with the enforcement provisions of this article.

(c) *Responsibility of director.* The utility director, or his designated representative, shall have the responsibility of inspecting the plumbing systems within the city as deemed reasonably necessary to insure that any such system does not contribute to the pollution of the city water supply. The utility director, or his designated representative, shall have the right to enter any building and to go upon all properties within the city during reasonable business hours to inspect the plumbing system of any building or property.

(d) *Maintenance requirements.*

(1) *General requirements.* It shall be the responsibility of the owner of any building or property to install and maintain in good working order backflow preventers and vacuum breakers within any building or upon any property. Under no circumstances shall backflow preventers or vacuum breakers be bypassed.

(2) *Backflow preventers.* The owner of any building or property shall be responsible for the periodic inspection and testing of backflow preventers as necessary to ensure that the backflow preventers are in good working order.

(e) *Notice of violation and penalties.*

(1) *Notices.* The utility director, or his designated representative, shall notify the owner of any building or property of any violation of this article. The notice shall require the owner to correct any violation within 30 days. For good cause shown, the utility director, or his designated representative, may extend the correction period up to 90 days. In the event the violation poses an eminent health hazard, the utility director, or his designated representative, shall have the right to disconnect the water service to the building or property.

(2) *Inspection Required.* In accordance with Florida Administrative Code Rule 62-555.360, as it may be amended from time to time, all back flow preventer assemblies must be inspected in accordance with the cross connection control program plan. The City could incur fines from the Florida Department of Environmental Protection (FDEP) should inspections not be completed as required. The City has the option to disconnect water service from an uninspected back flow preventer assembly, which will result in the owner incurring a reconnection fee. Therefore, the City shall provide the required notices and should a back flow preventer assembly remain uninspected as of December 1st, annually, the City shall cause such assembly to be inspected and any testing and administration fees incurred by the City shall be added to the utility account of the owner. For any location that is inspected and no longer has back flow preventer assembly, a charge equal to a reconnection fee shall be imposed and added to the utility account of the owner.

(3) *Penalties.* Upon failure of any owner to correct a violation of this section, the owner shall be punished as provided in section 1-8.

SECTION 4. CONFLICTS. Ordinances or portions thereof in conflict are repealed only to the extent of the conflict.

SECTION 5. SEVERABILITY. If any provision is held invalid, the remaining provisions remain effective to the extent permitted by law.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect immediately.

PASSED, APPROVED, AND ADOPTED at the regular meeting of the Commission of the City of Panama City, Florida on the ___ day of December, 2026.

CITY OF PANAMA CITY, FLORIDA

By_____
Allan Branch, Mayor

ATTEST:

_____
Leslie A. Glaze, City Clerk-Treasurer