

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, CREATING A NEW SUBCHAPTER OF CHAPTER 51 OF THE CODE OF ORDINANCES TITLED "CROSS-CONNECTION AND BACKFLOW PREVENTION"; ESTABLISHING RULES AND REGULATIONS REGARDING CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION FOR CUSTOMERS OF THE DEPARTMENT OF PUBLIC UTILITIES.

WHEREAS, the City of Hollywood is under a Consent Order with the Florida Department of Health - Broward County; and

WHEREAS, the Consent Order requires the City to adopt a Cross-Connection Control ordinance by December 31, 2015; and

WHEREAS, this Ordinance complies with the requirements of the Consent Order regarding the adoption of a Cross-Connection Control ordinance; and

WHEREAS, as a result of the creation of a new subchapter of Chapter 51 herein, Section 51.015 of the Code of Ordinances, which deals with the same subject, is no longer needed and should be repealed;

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

Section 1: That a new subchapter of Chapter 51 the Code of Ordinances is hereby created to read as follows:

TITLE III: PUBLIC WORKS

* * *

CHAPTER 51: WATER

* * *

CROSS-CONNECTION AND BACKFLOW PREVENTION

§ 51.200. Scope.

(Coding: Words and figures underscored are additions to existing law; words and figures ~~struck through~~ are deletions.)

The following rules and regulations for cross-connection control and backflow prevention, for the customers of the City, shall hereafter be observed by the consumers of the water. This chapter congruently implements the provisions of Section 62-555.360 of the FAC, promulgated under authority of Part VI of Chapter 403, Florida Statutes, by the FDEP and the drinking water rules in Chapters 62-550, 62-555, and 62-560 of the FAC.

§ 51.201. Purpose and Intent.

The purpose of this chapter is to establish minimum requirements for the control of cross-connections and the prevention of backflow into public potable water supply systems within the city. As the owner and operator of the public potable water supply, the responsibility is upon the city to preserve the integrity of the public water supply system for community health and safety and to prevent cross-connections that may create an imminent and substantial danger to public health.

§ 51.202 Jurisdiction.

This chapter shall apply to all public potable water systems within the service area of the City.

§ 51.203. Definitions.

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

Approved means accepted by the Director of Public Utilities or his/her designee as meeting an applicable specification stated or cited in this chapter or as suitable for the proposed use.

Approved backflow prevention assembly means an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association (AWWA) titled "AWWA C510-89-Standard for Double Check Valve Backflow Prevention Assembly" (DC) and "AWWA C511-89-Standard for Reduced Pressure Principle Backflow Prevention Assembly" (RP) and has been certified to meet completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research (FCCCHR) established by "Specification of Backflow Prevention Assemblies" - Sec. 10 of the most current issue of the Manual of Cross-Connection Control.

Auxiliary water supply means any water supply on or available to the premises other than the City's approved potable water supply. These auxiliary waters may include water from natural source(s), such as a well, spring, river, stream, or harbor; used waters; reclaimed, recycled or conditioned waters; or industrial fluids. These waters may be contaminated or polluted, or they may be objectionable or altered and

constitute an unacceptable water source over which the City does not have sanitary control.

Backflow means the undesirable reversal of flow of water, liquids, mixtures or substances into the public water supply distribution system from any source or sources other than the intended source as a result of a cross-connection.

Backflow prevention assembly means a device or method that prevents backflow.

Building Official means the principal enforcing officer of the FBC.

Certification (of backflow prevention devices) means certification to the testing of backflow prevention devices for the purpose of ensuring their operational conformance with American Society of Sanitary Engineers (ASSE), AWWA, and FCCCHR specifications. The certification procedure shall be performed by a certified backflow prevention tester who shall submit a "Certified Backflow Test Form." The initial certification at installation shall be through the city's Building Division. Subsequent recertification and periodic testing shall be as mandated by the requirements of the Manual, in collaboration with the Building Division, and shall certify that the device has been properly tested and is properly operating.

Certified backflow prevention assembly tester means a person who has demonstrated competence to test, repair, and maintain backflow prevention assemblies as evidenced by current certification by the University of Florida Center for Training, Research and Education for Environmental Occupations (TREEO), ASSE or other organization acceptable to the Director of Public Utilities.

Containment means to control the potential contamination of the public supply by installing an approved backflow prevention device on the property (discharge) side of the city's public water main meter or tap.

Contamination means an impairment of the potable water supply by the introduction or admission of any foreign substance that degrades the quality or creates a health hazard.

Cross-connection means a connection or potential connection between any part of the 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. These substances may be gases, liquids, or solids, such as chemicals, biology, waste products, oil, gas, food, soap, ice, steam, water from other sources (potable or non-potable), or any matter that may change the quality, taste, characteristics, color or add odor to the water. Bypass arrangements, jumper connections, removable sections, swivel or changeover assemblies, or any other temporary or permanent connecting arrangements through which backflow may occur

are considered to be cross-connections; and as defined in FAC Rule 62-550.200 and any subsequent amendments.

Cross-connection-controlled means a connection between the potable water system and a non-potable water source with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

Customer means any person, business or other entity whose name or names appear on billing for a water service connection from the city.

Customer's system means those parts of the water system beyond the termination of the utility distribution system that are utilized in conveying utility-delivered potable water to points of use.

Director of Public Utilities means the Director of the city's Department of Public Utilities or his/her designee.

Distribution system means the network of conduits used by the utility system for the delivery of potable water from the source to the customer's system.

FAC means the Florida Administrative Code.

FBC means the Florida Building Code.

FDEP means the Florida Department of Environmental Protection.

Hazard, degree of means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

Hazard, health means a cross-connection or potential cross-connection involving any substance that could, if introduced in the potable water supply, cause death or illness, spread disease, or have a high probability of causing such effects; reclaimed water stored with surface water in a pond that is part of a stormwater management system; or well water if determined by the Director of Public Utilities.

Hazard, non-health (low hazard pollutant) means a cross-connection or potential cross-connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, such as changing the quality, taste, characteristics, or color or adding odor to the water, if introduced into the potable water supply.

Isolation means to control the potential pollution and contamination of the private potable water system by installing air gaps or approved backflow prevention devices within the property owner's plumbing system or private water system.

Manual means any reference to the City of Hollywood Department of Public Utilities Cross-Connection Control Plan – Policies and Procedures Manual as approved by the Broward County Health Department in accordance with FAC. 62-555.360. A copy of the Manual will be available on the COH official web page for download and review.

Pollution means the presence of any foreign substance in potable water that tends to degrade its quality so as to constitute a non-health hazard (low hazard) or impair the usefulness of the potable water.

Pollutant means any liquid, gas or material that may change the characteristics, taste, odor or color of the water.

Potable water means water which is satisfactory for drinking, culinary and domestic purposes, and meets the requirements of the Safe Drinking Water Act under the purview of the FDEP.

Private water system means a water system on the property owner's side of the water service connection.

Public water system means that portion of the water distribution system over which the city has management and maintenance responsibilities.

Service connection means the terminal end of a service connection from the utility, that is, where the City loses jurisdiction and sanitary control over the water at its point of delivery to the customer's system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the utility system.

Utility or utility system means the source facilities and distribution system of the city, and shall include all those facilities of the water system under the complete control of the utility, up to a point where the customer's system begins.

Water, non-potable means water that is not safe for human consumption or that is of questionable quality. Water, used means any water supplied by the City from the utility to a customer's system after it has passed through the point of delivery and is no longer under the sanitary control of the City.

City means the city's Department of Public Utilities.

Water system means the total system of water supply and distribution of potable water, including the distribution and the customer's system.

§ 51.204. Cross-Connection Control Plan Incorporated By Reference; Periodic Review; Conflict Resolution.

(A) All rules, regulations, and procedures developed pursuant to this section shall be embodied in the Manual, a copy of which shall be maintained on file with the Department of Public Utilities and the Building Division. The Manual is incorporated herein by reference and made a part hereof.

(B) The Director shall conduct periodic reviews and recommend revisions to the Manual to ensure compliance with applicable laws, rules, and regulations of the state, including, but not limited to, FAC. Chapters 62-550, 62-555, and 62-560, and with all other regulatory agencies having jurisdiction over the matters concerned therein. It is the intent of this subchapter that the Manual complies at all times with the applicable provisions of the most current version of Recommended Practice for Backflow Prevention and Cross Connection Control, AWWA Manual M14, American Water Works Association (3d ed., 2004) and the state building codes as adopted by the city.

(C) If any conflict should exist between a provision of the Manual and the provisions of this chapter, the city's building codes, the state building codes as adopted by the city, the Florida Safe Drinking Water Act (F.S. §§ 403.850 - 403.864), or any other federal, state or county statute, ordinance, rule or regulation applicable to public water systems, the more restrictive provision shall apply.

§ 51.205. Backflow Requirements Standards

Cross-connections are prohibited unless appropriate backflow protection is provided to prevent backflow through the cross-connection into the public water system. Appropriate backflow protection for various applications is described in AWWA Manual M14, Third Edition 2004, Recommended Practice for Backflow Prevention and Cross-Connection Control, as subsequently amended in FAC Rule 62-555.330, and the requirements are as follows:

(A) Backflow Prevention Required

An approved backflow prevention assembly or means, appropriate to the degree of hazard, shall be installed on each service connection to a customer's water system on the main service line as close as practical to the city water meter at or near the property line, wherever the following conditions exist:

(1) For premises using an auxiliary water supply; or

(2) For premises on which any industrial fluids or any other objectionable substances may be stored or handled that may create an actual or potential hazard to the public water supply or

(3) Utility system that may include radioactive or other materials such as oil, gas, steam, ice, beverages, animals, birds, dairy, fish, food, rodents, chemicals, masonry, concrete, minerals, film, metals; or

(4) Businesses such as aircraft, automotive, boats, cargo, dental, laboratory, (commercial) laundry, marine, medical, autopsy, mortuary, sanitarium, veterinary, etc.; or

(5) Facilities such as a cooling tower; boiler, and multi-family buildings;
or

(6) Operations such as blending, canning, cleaning, construction, development, dispensing, fabricating, handling, manufacturing, packing, plant, plating, preparation, processing, production, reactor, rendering, repair, refining, research, service, storage, treatment or transmission, etc.; or

(7) For premises having internal cross-connections or intricate plumbing and piping arrangements; or

(8) For premises where entry to all portions of the premises is not readily accessible or practical for inspection purposes; or

(9) For premises in which backpressure may be generated in the customer's system; or

(10) All dedicated irrigation services; or

(11) All dedicated fire services; or

(12) All commercial properties and businesses; or

(13) Temporary connections; or

(14) Lift Stations; or

(15) All residential buildings with four or more floors.

(B) Backflow Requirements - Methods

The following is a list of approved types or methods of backflow prevention devices and methods:

(1) Air Gap (AG)

(2) Reduced Pressure Principal Backflow Prevention Assemblies (RP or RPZ)

(3) Reduced Pressure Principal Detector Backflow Prevention Assemblies (RPDA)

(4) Double Check Valve Assemblies (DC)

(5) Double Check Detector Backflow Prevention Assemblies (DCDA)

(6) Pressure Vacuum Breakers (PVB)

(7) Atmospheric Vacuum Breakers (AVB)

(8) Residential Dual Check (DuC) - may only be used for low hazard application, e.g. reclaimed water only.

To obtain applicable standards for approved devices, reference should be made to the Manual along with the Recommended Practice for Backflow Prevention and Cross-Connection Control AWWA Manual M14, Third Edition or most current.

§ 51.206. Responsibility for Compliance.

(A) Except as provided in this subsection, each customer shall be responsible for complying with the provisions of this chapter which are applicable to that customer's service address. The city shall be similarly responsible with respect to its public potable water system.

(B) Except as otherwise provided in this section, all expenses incurred by a customer of the utility to achieve compliance herewith shall be the responsibility of the customer.

§ 51.207. Prohibited Acts.

(A) No individual or entity shall complete or maintain any cross-connection to a public potable water system or cause such a cross-connection to be completed or maintained.

(B) No connection to a public potable water system shall be performed or maintained by, for, or on behalf of the utility unless the applicable on-site facilities of the customer or of the applicant for such connection are in compliance with the provisions of this chapter.

(C) There shall be no direct or indirect prohibited cross-connections, either existing or potential, between a safe potable water supply and an unsafe, nonpotable supply, on the customer's side of the service connection.

(D) Modification of any backflow prevention assembly shall be prohibited.

§ 51.208. Inspections.

(A) Inspection personnel may inspect the private water system of each customer's service address to determine the degree of hazard, if any, which exists at that service address and to ascertain compliance with the provisions of this chapter and of related codes and regulations.

(B) If the customer denies inspection personnel reasonable access for such inspections, the utility may interrupt potable water service to any private water system connected to its public potable water system until such time that access for the inspection is provided by the customer.

§ 51.209. Backflow Prevention Device Installation.

(A) An appropriate backflow prevention assembly shall be installed by the customer on the property owner's side of the city's water meter on the main service line as close as practical to the property line. The type of backflow prevention assemblies to be installed and the manner of installation shall be as specified in the Manual and in accordance with the applicable federal, state, and local, regulations, and procedures. All costs associated with installation shall be borne by the customer. The Director of Public Utilities, along with the Building Official, shall determine the appropriate protection of the public water supply where not defined herein.

(B) The Department of Public Utilities, along with the Building Official, shall develop and implement an appropriate ongoing program to educate and inform customers with respect to the control of cross-connections and the prevention of backflow. Implementation of such programs shall be effected in accordance with the adopted rules, regulations and as detailed in the Manual and shall include providing written notice to the utility's customers of the applicable requirements of this chapter for which its customers are responsible. The Director of Public Utilities, along with the Building Official, shall also develop and implement procedures to promote identification of changes in the known or approved uses of service addresses which may constitute a hazard or other violation of this chapter.

(C) The installations required pursuant to this section shall be completed within the period of time prescribed by the Manual and as detailed in section 51.212. Each customer who is responsible for completing the installation for his or her property is also responsible for complying with the building permitting application processes as prescribed by the Manual.

(D) If any customer fails to install the backflow prevention assemblies commensurate with the degree of hazard anticipated by inspection personnel for that water service connection and as required hereunder for a water service connection, the utility may interrupt potable water service to the private water system at the service address until such time that evidence of the installation is provided by the customer.

§ 51.210. Backflow Prevention Assembly Testing.

(A) Each mandatory backflow prevention assembly or device which is in place shall be professionally tested at least annually or as frequently as deemed necessary (high hazard) by inspection personnel in accordance with the Manual and the applicable federal, state, and local, regulations, and procedures. The customer is responsible for having the appropriate test conducted by a certified backflow prevention assembly tester and for submitting the results thereof to the Building Division. All costs associated with such testing shall be borne by the customer. All testing shall be performed in accordance with the Manual and the applicable federal, state, and local, regulations, and procedures.

(B) If any customer fails to provide the city with the documentation prescribed by the Manual to evidence performance of each test required hereunder for a water service connection, the utility may interrupt potable water service to the private water system at the service address until the testing is provided by the customer.

§ 51.211. Backflow Prevention Assembly Repair/Replacement..

(A) Each mandatory backflow prevention assembly found to be functioning improperly shall be repaired or replaced by the customer in accordance with the Manual and the applicable federal, state, and local regulations and procedures.

(B) If any customer fails to provide the city with the documentation prescribed by the Manual to evidence the performance of the repair or replacement of a backflow prevention assembly where such repairs or replacement was identified as necessary for that backflow prevention assembly to comply with this subchapter, the utility may interrupt potable water service to the private water system at the service address until such time that either repairs or replacement is provided by the customer.

§ 51.212. Time Frames.

(A) New Installations:

(1) Upon determination that a backflow prevention assembly is required to be installed on a customer's private water system, the customer will be notified in writing of the approved backflow prevention assembly which is required. The customer will have 30 days from date of notice delivery to install the specified backflow prevention assembly.

(2) If a customer fails to comply within 30 days, a final notice shall be provided in writing giving the customer an additional 15 days from date of notice delivery to install the specified backflow prevention assembly

(3) Failure to respond to the 15 day notice shall result in the disconnection of potable water service to the private water system at the service address until such time that installation is provided by the customer.

(4) The Director of Public Utilities may require the installation of the required backflow prevention assembly immediately or within a shorter time period than specified above if he or she determines at any time that a condition then existing poses an unreasonable threat of contamination to the public water supply system.

(5) All devices required for new construction shall be installed prior to occupancy. All new construction plans and specifications shall be made available to the Building Division for approval and inspection.

(B) Existing Backflow Prevention Assembly:

(1) The customer shall cause an annual certification test to be performed on his or her backflow prevention assembly. Any required repairs or upgrades documented by the annual certification test and submitted to the Building Division shall be addressed by the customer accordingly.

(2) Any time that repairs to backflow assemblies are deemed necessary, whether through annual testing or routine inspection by the owner or by the city, the repairs must be completed within the time period specified, which shall be in accordance with the degree of hazard. Repairs to a private water system considered to be an imminent hazard shall be completed within twenty-four (24) hours, repairs considered to be a high hazard shall be completed within ten (10) days, and all other repairs shall be completed within twenty-one (21) days. Failure to comply shall result in the disconnection of potable water service to the private water system at the service address until such time that the repairs or replacement is provided by the customer.

§ 51.213. Emergency Acts.

(A) The city may interrupt potable water service to any private water system connected to its public potable water system when necessary to prevent the continued violation of this subchapter, until such time that a resumption of service to the private water system is deemed appropriate.

(B) The city may take whatever emergency action that it deems necessary and appropriate to protect persons or property from any injury, loss, or damage which may reasonably be expected to result from a specific violation of this subchapter or of any related regulation.

The utility may interrupt potable water service to any private water system connected to the city's potable water system until such time that a resumption of service to the private water system is deemed safe and appropriate by the Director of Public Utilities.

(C) In the event of known pollution or contamination of a public potable water system or a customer's private water system due to backflow on or from the customer's service address, the customer shall promptly take reasonable steps to confine further pollution or contamination of the public potable water system and shall immediately notify the utility.

§ 51.214. Enforcement.

(A) If a backflow prevention device required by this subchapter is not installed, tested and maintained as specified herein, or if it is found that a backflow prevention device has been removed or bypassed, the City may discontinue water service after a notice has been issued. Notice may be waived in any case where the public water system is directly and immediately threatened.

(B) The parties responsible for a violation of this subchapter shall be liable for all expenses, losses or damage, including attorneys' fees and legal costs, incurred by the city by reason of such violation, including all costs and expenses associated with the interruption and restoration of potable water service for the service address where the violation occurred.

(C) Violations of this subchapter may be enforced as provided in Chapter 162, Part I, Florida Statutes and Section 162.21, Florida Statutes.

Section 2: That Section 51.015 of the Code of Ordinances is hereby repealed as follows:

TITLE III: PUBLIC WORKS

* * *

CHAPTER 51: WATER

* * *

CONNECTIONS

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~~§ 51.015 AUTHORITY OF CITY TO REQUIRE OWNER TO INSTALL BACKFLOW PREVENTERS OR THE LIKE ON SERVICE CONNECTION.~~

~~The city reserves the right, at its option, where and when, in its discretion, the conditions require it, at any time to require any owner to install on his service connection at the location designated by the city, a tank, check valve or valves, stop or gate valve, pressure regulator, backflow preventer or other appliances, apparatus or equipment of~~

~~such type and design as is approved by the city and thereafter to require any change, alteration, substitution or addition of and to any such tank, valve regulator, backflow preventer or other appliances, apparatus or equipment, as aforesaid, and failure upon the part of the owner to comply with such requirements of the city within 30 days after written notice to the owner, or within some agreed extension beyond such 30 days also in writing, shall authorize the city, at its option, and without further notice, to cancel the contract for such service and discontinue the same.~~

Section 3: That it is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this ordinance may be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 5: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on _____, 2015.

PASSED on first reading this _____ day of _____, 2015.

PASSED AND ADOPTED on second reading this _____ day of _____, 2015.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida only:

JEFFREY P. SHEFFEL, CITY ATTORNEY