

ORDINANCE NO. 2891

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING CHAPTER 70 (UTILITIES), ARTICLE IV (WATER SYSTEMS), DIVISION 1 (GENERALLY) TO ESTABLISH THE CITY OF HOLLY HILL CROSS CONNECTION CONTROL PLAN; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is required to properly regulate cross connections in the City's water supply system.

WHEREAS, the City's existing regulations needed to be updated to comply with the current Federal and State requirements.

WHEREAS, words which are underlined (underlined) are additions to the text and words with strike through (~~strike-through~~) the characters are deletions from the text.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HOLLY HILL, FLORIDA:

Section 1. The City Commission of the City of Holly Hill, Florida hereby amends Chapter 70 (Utilities), Article IV (Water System), Division 1 (Generally) to read as follows:

Division 1 (Generally)

Sec. 70-96. Scope.

The provisions of this article shall apply to the city's water supply distribution system.

Sec. 70-97. Water meter required.

A water meter is required to be installed in the water connection to each building, whether public or private.

Sec. 70-98. Water meter installation charges.

The charges for installation of water meters shall be established by resolution of the city commission.

Sec. 70-99. Repairs to water service lines located on private property.

Upon the request of a property owner and after the investigation and approval of the city public utilities department, the city may repair water service lines located on private property; provided, however:

- (1) The owner shall, prior to such repairs, deposit with the city a sum sufficient to pay for all materials and replacing or repairing of any paving that may be removed or damaged.
- (2) The owner shall request such repair, in writing; and same shall contain a clause wherein the owners shall save and hold the city harmless from any and all claims that the owners, tenants, and persons in possession of such property may have against the city and/or its employees because of or as a result of such repairs.
- (3) The owner shall pay for such repairs with the exception that the city may, in its discretion, furnish city labor at the cost of the city as hereinafter stated.
- (4) The city shall, in its discretion, furnish labor only on that portion of the water lines running from the water meter to the city right-of-way or trunk lines; and the city shall not furnish any labor for repairs on those lines from the water meter to the building or dwelling being serviced.

Sec. 70-100. Cross connections prohibited.

The city adopts by reference the City of Holly Hill "Cross Connection Control Plan," 2010 version, as may be updated and amended from time to time. Compliance with the manual and the cross connection program contained therein is hereby required.

Cross connections, as hereinafter defined, are hereby declared to be unlawful and a public nuisance punishable pursuant to section 1-15 of this Code.

Sec. 70-101. Cross connection defined.

The term "cross connection" means any physical arrangement whereby a public water supply is 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 or unsafe quality which may be capable of imparting contamination to the public water supply as result of backflow. Bypass 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.

Sec. 70-102. Cross connection control program.

~~The public works director shall develop~~ City of Holly Hill has developed a routine cross connection control program to detect and prevent cross connections that create or may create ~~an imminent and substantial danger to public health~~ a pollution or contamination hazard to the city water supply. ~~In so doing, the director shall utilize the accepted practices of the American Waterworks Association guidelines, as set forth in such association's manual M14, Backflow Prevention and Cross Connection Control and Backflow Prevention, third edition~~ the most recent edition of the *Recommended Practice for Backflow Prevention Cross-Connection Control*, AWWA Manual M14, ~~were utilized in developing this program.~~

Sec. 70-103. Right to enter to inspect.

~~The public works director, or any employee so authorized by the director~~ duly authorized representatives of the City, ~~shall have the right to enter any property, other than owner occupied family residences for the purpose of inspecting for cross connections.~~ having proper identification, shall be permitted to enter the building/premises at any reasonable time for the purpose of inspection for the presence or absence of cross connections, testing, repair, and maintenance of any part of the plumbing system or any cross connection control device connected to the water system. The frequency of inspections and reinspections based on potential health hazards involved pollution or contamination sources shall be as established by the "Cross Connection Control Plan" of the department of public works of the city. ~~In so doing, the director or the authorized employee~~ duly authorized representative shall seek consent from a person of suitable age and discretion therein or in control thereof. ~~shall first seek the permission of the owner, operator or manager of the premises. Failure to grant such permission shall be deemed evidence of the presence of cross connections, as a rebuttable presumption of a violation and shall provide the person asking such permission with probable cause to seek an inspection warrant as provided pursuant to state law.~~

Sec. 70-104. Remedial action required.

The city manager, upon recommendation of the public works director, reserves the right to cause a backflow prevention assembly to be field tested and the cost assigned to the property owner.

In the event any cross connection is discovered, the public works director shall take the following

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action:

- (1) Order the discontinuance of potable water service to the site until the contaminant pollution or contamination source is eliminated;
- (2) Order the ~~elimination of property owner to eliminate~~ the cross connection by the installation of a backflow prevention device acceptable to the ~~Department of Health and Rehabilitative Services (HRS)~~ City's Cross Connection Control Plan; or
- (3) Direct the installation of a ~~FDEP-approved~~ backflow prevention device as described in the City's Cross Connection Control Plan by the city with the property owner to be billed for the cost thereof ~~on the next ensuing water bill~~; and the failure to pay such bill subjecting the property to disconnection from the city water system.

Sec. 70-105. Backflow prevention devices; new construction.

All new construction for which a building permit is issued after December 10, 1996, shall have installed on all ~~potable water and fire prevention system lines~~ a backflow prevention device acceptable to HRS the City's Cross Connection Control Plan and of a size and design ~~permitted determined~~ to be appropriate by the public works director or his designee. ~~All construction determined to require a three-quarter inch or one-inch dual-check device shall have such device installed by the city. All other construction determined to require a reduced-pressure device, backflow prevention device, regardless of size, and other devices larger than three-quarter inch shall have such device installed at the owner's expense by a licensed contractor approved by the City's department of public works, if he is either the owner-occupier of the subject residence or the owner of the subject commercial building, by a licensed plumbing contractor or by such other person as may be required by law and such installation certified by a certified backflow prevention technician licensed to operate within the city. If the owner or the plumbing contractor is so certified, he may perform both tasks. The device shall be installed at a location determined approved by the public utilities department. and, in those cases which require installation on private property, agreed to by the property owner.~~

Sec. 70-106. Existing development.

Backflow prevention devices acceptable to HRS the City's Cross Connection Control Plan shall be installed on all existing connections to the city's potable water system that are determined by inspection or reinspection to be a pollution or contamination hazard, as established in the City's Cross Connection Control Plan. Unless otherwise required by law, the installation shall be made ~~by the owner-occupier of any subject residence, by the owner of any subject commercial building, by a licensed plumbing contractor, depending on the line size by a licensed contractor approved by the City's department of public works, at a location to be determined approved by the public utilities~~

department and, in those cases which require installation on private property, agreed to by the property owner, and such installation certified by a certified backflow prevention technician licensed to operate within the city in accordance with the following schedule:

- (1) At the time of any site or building modification requiring site plan review and approval;
- (2) At the time of any proposed change in business use or ownership that may change the hazard status of the property;
- ~~(2)~~ (3) At the time of any plumbing modification requiring a plumbing permit;
- ~~(3)~~ (4) At the time of annexation of an existing property connected to the city's potable water system;
- ~~(4)~~ (5) At the time of meter installation or replacement;
- ~~(5)~~ (6) At the time an inspection reveals a cross connection; or
- ~~(6)~~ (7) March 31, 1997, whichever shall occur first.

Sec. 70-107. Maintenance of backflow prevention devices.

All backflow prevention devices shall be inspected, tested and certified upon initial installation and recertified annually within 30 days of the installation date by a certified backflow device technician licensed contractor approved by the City's public works department hired and paid for by the property owner or their designee. ~~The inspections are to be completed on or before December 31 of each calendar year.~~ The ~~consumer~~ property owner shall keep records on his testing, maintenance, and repair activities related to cross connection control and shall make such records available upon request. Copies of all testing, maintenance, and repair records shall be sent to the City's Customer Service Department and the City's designated Cross Connection Control Program coordinator. The City of Holly Hill reserves the right to direct and administer testing of any backflow prevention assembly installed on the City of Holly Hill public potable water supply. If testing of any backflow prevention assembly is directed by the City of Holly Hill the expense for such testing will be billed as a separate line item on the next occurrence of the consumers' water bill directly to the property owner. The city shall charge a monthly fee set by resolution for each backflow prevention device to defray the cost of verifying the maintenance of the backflow prevention devices. These monthly charges will be added to the water bill for each customer that has a backflow prevention device. Repairs to backflow prevention devices shall be performed by a certified backflow technician licensed contractor approved by the City's public works department. Any repairs shall be completed within ten days of the inspection revealing the need for such repairs. Nothing contained herein shall be deemed to preclude the immediate disconnection of a property from the city water system in the event the city manager, upon recommendation of the public works director, determines such action to

be necessary to adequately protect the public health, safety and welfare. The owner shall have the right to request from the city manager a ten-day extension which may be granted subject to recommendation of the public works director. Failure to comply with these regulations may result in the city disconnecting utility service to the property.

Sec. 70-108. Other codes and rules

Sections 70-100 thru 70-107 do not supersede the Standard Plumbing Code of the Southern Building Code Congress International, the Florida State Department of Health Plumbing Rules, or any City of Holly Hill plumbing ordinance, but are supplementary to them; provided that where conflicts exist, the more restrictive provision shall apply.

Sec. 70-108. Blocking access, tampering with utility systems; damaging utility systems.

It shall be unlawful for any property owner or tenant to:

(1) Block or otherwise impede or interfere with any city representative from having access to any portion of the water, sewer, stormwater and reuse system on any portion of real property, including but not limited to water meters and valves;

(2) Tamper with or in any way damage any portion of the water, sewer, stormwater or reuse system of the city;

(3) Turn on water service to a parcel of property without an active, current utility account with the city for said parcel of property. Unless otherwise authorized in writing by the city, an active, current utility account can only provide utility service to the parcel of property designated on the utility account and it is unlawful for utility service to be provided to any other parcel of property.

In the event a city representative's access any portion of the city's water, sewer, stormwater or reuse system is blocked, the city shall post a 24-hour notice on the item causing the blockage and hand deliver the notice to the occupant of the living unit (or post the notice to the front door of the living unit) demanding that the item causing the blockage be moved so as to allow access. If the blockage is not remedied within the 24-hour period of time, the city shall have the right to move the item causing the blockage so as to allow the city representative to have reasonable access.

In the event of an emergency, as determined in the city's sole discretion, the city shall have the right to move the blockage without providing any advance notice, but the city shall make a good faith effort to contact the owner or occupant by knocking on the door to have the blockage voluntarily moved.

In the event there is any damage caused to any portion of the water, sewer, stormwater or reuse system and the city is able to reasonably determine that the damage was caused by the utility account

owner (or any guest of the utility account owner) or if the city incurs expenses in moving the personal property to allow city representative to have access, the city shall send a notice to the utility account owner, which shall be mailed to the utility billing address. The notice shall state city's intent to charge the utility account owner for the expenses incurred and advise the utility account owner of a right to contest the charge by sending a letter to the city which must be received by the city by the due date of that month's utility bill. If the utility account owner contests the charge, the issue shall be schedule before the city's special master who shall make a final determination as to whether the utility account owner should be charged for the expense incurred by the city. If the special master finds by a preponderance of the evidence that the utility account owner, or guest, caused the damage or blocked access of city representatives or if the utility account owner does not contest the charge, the total expenses incurred by the city shall be added the next utility bill for that utility account.

Sec. 70-109. Unauthorized use of public utilities.

It shall be unlawful for any person to take or use any water, sewer, stormwater or reuse system without having an active, current utility account with the city for the parcel of property being served by said utility. This prohibition includes the opening of any fire hydrant, faucet or stopcocks of the city water system.

Sec. 70-110. Violation liability.

Any person or customer found guilty of violating any of the provisions of section (70-100 thru 70-107) or any written order of the city or pursuance thereof, shall be punishable in accordance with section (70-104). In addition, the property owner shall pay all costs and expenses involved in the case to include attorney's fees. Notice of such violation shall be given by delivering the same to the property owner and a copy thereof to the premises. Each day upon which a violation of the provisions of section (70-100) shall occur shall be deemed a separate and additional violation. Any property owner in violation of any of the provisions of section (70-100) shall become liable to the city for any expense, loss, or damage incurred by the city by reason of such violation to include attorney's fees. In addition to any penalty provided by law for the violation of any of the provisions of section (70-100), the city may bring suit in the appropriate court to enjoin, restrain, or otherwise prevent the violation of any of the provisions of this division.

Sec. 70-111. Liability public employees.

No provisions of this division designating the duties of any city officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty for failure to perform such duty.

Sec. 70-111. Cross connection areas embraced.

All territory within the City of Holly Hill and the County of Volusia served by the City of Holly Hill potable water system shall be governed by this division to the extent permitted by law.

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

Section 3. That all ordinances made in conflict with this Ordinance are hereby repealed.

Section 4. That this Ordinance shall become effective immediately upon its adoption.

Section 5. That this Ordinance shall be posted at City Hall as required by law.

The within and foregoing Ordinance was introduced and read on first reading before the City Commission of the City of Holly Hill, Florida, at its regular meeting held in Commission Chambers at City Hall on the 8th day of February, 2011.

It was moved by Commissioner Glass and seconded by Commissioner Patton that said Ordinance be approved on first reading. A roll call vote of the Commission held on said motion for approval of the Ordinance resulted as follows:

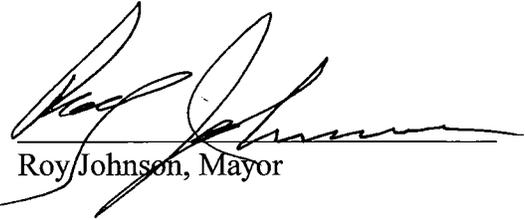
ROLL CALL VOTE AS FOLLOWS: (Ordinance 2891):

Mayor Roy Johnson	<u>Yes</u>
Commissioner John Penny	<u>Yes</u>
Commissioner Rick Glass	<u>Yes</u>
Commissioner Donnie Moore	<u>Yes</u>
Commissioner Liz Towsley Patton	<u>Yes</u>

ADOPTED THIS 8th DAY OF February, 2011.

WHEREUPON, the Mayor of the City of Holly Hill, Florida, has hereunto set his official signature, duly attested by the City Clerk, and has caused the official seal of said City to be affixed, all at City Hall in the City of Holly Hill, this 22nd day of February, 2011 for the purpose of authenticity as is required by law.

CITY OF HOLLY HILL, FLORIDA



Roy Johnson, Mayor



Mark Barker, Interim City Manager

Attest:



Joshua Fruecht, City Clerk

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