

ORDINANCE NO. C-15-__

AN ORDINANCE AMENDING CHAPTER 28, ARTICLE III, DIVISION 2, BACKFLOW PREVENTION, SECTION 28-152, 28-153, 28-154, 28-155, 28-156, 28-157 AND DIVISION 4, BILLING AND COLLECTION PROCEDURES, 28-190 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO UPDATE THE MUNICIPAL WATER SYSTEM BACKFLOW PREVENTION PROGRAM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, backflow prevention sections of the Code of Ordinances of the City of Fort Lauderdale, Florida (hereinafter "Code") need updating according to the U.S. Environmental Protection Agency Safe Drinking Water Act and the Florida Administrative Code; and

WHEREAS, certain service and administrative fees are to be imposed; and

WHEREAS; updating the municipal water system backflow prevention program is in the best interest of the city;

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

SECTION 1. That Section 28-152 of the Code, is hereby amended to read as follows:

Sec. 28-152. 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:

Exhibit 2

14-1423

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Approved means accepted by the director of ~~utilities~~ Public Works as meeting an applicable specification stated or cited in this division 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 of the University of Southern California (USC-FCCCHR) established by "Specification of Backflow Prevention Assemblies" - Sec. 10 of the most current issue of the Manual of Cross-Connection Control. Said AWWA and USC-FCCCHR standards and specifications are hereby adopted by the city. Final approval shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with said AWWA standards and USC-FCCCHR specifications.

Approved backflow prevention assembly testing laboratories means the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California (FCCCHR) or other qualified laboratories approved by the Director of Public Works.

Auxiliary water supply means any water supply on or available to the premises other than the water purveyor's approved potable water supply. These auxiliary waters may include water from ~~another purveyor's public potable water supply or any~~ natural source(s), such as a well, spring, river stream, 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 water purveyor does not have sanitary control.

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

Backflow prevention assembly means an device assembly or means that designed to prevent backflow. The following are assemblies and means of backflow prevention and standards for their use:

Air gap (AG) means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying conveying water or waste to a tank, plumbing fixture, receptor, or other device assembly and the flood level rim of the receptacle. These vertical, physical separations must be at least twice the diameter of the water supply outlet, but not less than one inch (25mm).

Reduced pressure principle backflow-prevention assembly (RP or RPZ) means an approved complete assembly consisting of a mechanical, independently acting, hydraulically dependent relief valve, located between two independently acting, hydraulically dependent relief valve, located between two independently operating, internally loaded approved-check valves that together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves ~~as an assembly and equipped with four~~ (4) properly placed located resilient-seated test cocks.

Reduced pressure principle detector backflow-prevention assembly (RPDA) means a specially designed backflow assembly composed of a line-size approved reduced pressure principle backflow-prevention assembly (RP) with a bypass containing a specific water meter and an approved reduced pressure principle backflow-prevention assembly (RP). The meter shall register accurately for only very low rates of flow up to 3 gallons per minute (gpm) and shall show a registration for all rates of flow. This assembly shall be used to protect against a non-health hazard, (i.e. a pollutant) or a health hazard (i.e. a contaminant). The RPDA is primarily used on fire sprinkler systems.

Double check valve assembly (DC) means an approved complete assembly consisting of two internally loaded, independently operating check valves, located either spring loaded or internally weighted, installed as a unit between two tightly closing resilient-seated shutoff valves and fittings with four (4) properly placed located resilient-seated test cocks. This assembly shall only be used to protect against a non-health hazard (i.e. a pollutant).

Double check detector backflow-prevention assembly (DCDA) means a specially designed backflow assembly composed of a line-size approved double check valve assembly with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for only very low rates of flow up to 3 gallons per minute (gpm) and shall show a registration

for all rates of flow. This assembly shall only be used to protect against a non-health hazard (i.e. a pollutant).

Dual Check Valve (DuC) means an approved device containing two internally loaded, independently operating check valves.

Atmospheric vacuum breaker (AVB) means an approved assembly consisting of a float check, a check seat and an air inlet port. A shutoff valve immediately upstream may or may not be an integral part of the assembly. The atmospheric vacuum breaker is designed to allow air to enter the downstream water line to prevent back siphonage. This unit assembly may never be subjected to a backpressure condition or have a downstream shutoff valve, or be installed where it will be in continuous operation for more than twelve (12) hours.

Pressure vacuum breaker assembly (PVB) means an approved assembly consisting of an independently operating, internally loaded check valve, an independently operating, loaded air inlet valve located on the discharge side of the check valve, with properly located resilient-seated test cocks and tightly closing resilient-seated shutoff valves attached at each end of the assembly designed to operate under pressure for prolonged periods of time to prevent backsiphonage. The pressure vacuum breaker may not be subjected to any backpressure.

Backpressure means a pressure, higher than the supply pressure of the utility, caused by a pump, elevated tank, tall building, boiler, air/steam pressure, pressure washer, or any other means that may cause backflow.

Backsiphonage means a type of backflow caused by negative or reduced pressure in the supply piping of the utility.

Certification (of backflow prevention devices) means certification to the testing of backflow prevention devices for the purpose of ensuring their operational conformance with AWWA, American Society of Sanitary Engineers (ASSE), and the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California (USC-FCCCHR) specifications. The certification procedure shall be performed by a certified backflow prevention tester who shall submit a "Backflow Prevention Assembly Field Test Report". The initial certification at installation, repair or relocation of the backflow prevention assembly shall accompany a permit and approval from the City's Department of Sustainable Development (DSD). Subsequent recertification and periodic testing for existing backflow prevention assemblies, not requiring repair or relocation shall be through

the Director of Public Works or his designee that certifies the device has been properly tested and is properly operating.

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

Chief Plumbing Inspector means the chief administrative officer for the City of Fort Lauderdale charged with the administration, enforcement and application of the plumbing sections of the Florida Building Code and all amendments thereto.

Contamination means an impairment of the potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard (high 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 nonpotable), 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 arrangement through which backflow may occur are considered to be cross-connections; and as defined in Rule 62-550.200 F.A.C. and any subsequent amendments.

Cross connection-controlled means a connection between the potable water system and a nonpotable 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 utilities~~ Director of Public Works means the Public Works Director of the ~~Utilities Department~~ of the city or his 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.

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 (high hazard contaminant) means a cross connection or potential cross connection involving any substance that could, if introduced in the potable water supply, cause death, 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; well water if determined by the Director of Public Works.

Hazard, plumbing means a plumbing-type cross connection in a customer's system that has not been properly protected by an approved air gap or an approved backflow prevention assembly.

Hazard, nonhealth (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, color or add odor to the water, if introduced into the potable water supply; well water unless determined otherwise by the Director of Public Works; reclaimed water regulated under Part III of Chapter 62-610, F.A.C. unless it is stored with surface water in a pond that is part of a stormwater management system.

Hazard, system means an actual or potential threat of severe damage to the physical properties of the water system or pollution or contamination that would have a protracted effect on the quality of the potable water in the water system.

Industrial fluids system means any system containing a fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution, contamination or plumbing hazard, if introduced into the potable water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and used waters originating from the utility system that may have deteriorated in sanitary quality; chemicals in gaseous or fluid form; plating acids and alkalis; circulating cooling waters connected to an open cooling tower; cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated

natural waters, such as wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems; oils, gases, glycerine, paraffins, caustic and acid solutions, metals in boilers, pesticides in irrigation systems, chemicals in fire sprinkler systems and other purposes for fire fighting purposes.

Low Hazard Auxiliary Water System means a well unless determined otherwise by the Director of Public Works.

Low Hazard Reclaimed Water System means reclaimed water regulated under Part III of Chapter 62-610, F.A.C. unless it is stored with surface water in a pond that is part of a stormwater management system.

"Non-Residential Service Connection" means any other service connection. (see residential service connection).

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

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.

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 Florida Department of Health.

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

Residential Service connection means any service connection including any dedicated irrigation or fire service connection that is two (2) inches or less in diameter and that supplies water to a building, or premises, containing only dwelling units.

Service connection means the terminal end of a service connection from the utility, that is, where the water purveyor 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.

Source means all components of the facilities utilized in the production, treatment, storage, and delivery of potable water to the distribution system.

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Tall Building means a building with five or more floors at or above ground level.

Temporary cross connection means a connection from the public water system to a new water main, wastewater forcemain or reclaimed water main to supply water for flushing or pressure testing; or connection to a fire hydrant.

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SECTION 2. That Section 28-153 of the Code is hereby amended to read as follows:

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 "Recommended Practice for Backflow Prevention and Cross-Connection Control": American Water Works Association (AWWA) Manual M14, Third Edition 2004 and as subsequently amended in Rule 62-555.330 Florida Administrative Code (FAC) and the requirements as follows:

- (a) 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 as close as practical to the city water meter at or near the property line ~~or immediately inside the building being served, but~~ and in all cases before the first branch line leading off the service line, wherever the following conditions exist:
- (1) For premises using an auxiliary water supply ~~that is not or may not be of safe bacteriological or chemical quality and that is not acceptable as an additional source by the director of utilities.~~
 - (2) For premises on which any industrial fluids or any other objectionable substances may be stored or are handled in such a fashion as to that may create an actual or potential hazard to the public water supply or utility system that may include: This shall include ~~the handling of process waters and waters originating from the utility system that have been subject to deterioration in quality~~
 - a. Radioactive or other materials such as oil, gas, steam, ice, beverages, animals, birds, dairy, fish, food, rodents, chemicals, masonry, minerals, film, metals; or
 - b. Businesses such as aircraft, automotive, boats, cargo, dental, laboratory, (commercial) laundry, marine, medical, autopsy, mortuary, sanitarium, veterinary, etc.; or
 - c. Facilities such as a cooling tower; boiler, irrigation, fire sprinkler and tall buildings; or

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- d. 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.
- (3) For premises having internal cross connections, ~~that cannot be permanently corrected and controlled, or~~ intricate plumbing or piping arrangements.
- (4) For premises ~~or~~ where entry to all portions of the premises is not readily accessible or practical for inspection purposes, ~~making it impracticable or impossible to ascertain whether or not dangerous cross connections exist.~~
- (5) (4) For premises in which backpressure may be generated in the customer's system.
- (6) All dedicated irrigation services.
- (7) All dedicated fire services.
- (8) All commercial properties and businesses.
- a) Except businesses with specific standard industrial code (SIC) descriptions such as accountant, auditor, human resources/payroll, adjuster, appraiser, architect, astrologer, attorney, bank, broker, child care, coin operated laundry, consultant, engineer, insurance, mortgages, sales, schools, etc. in so far as no pollutant or contaminant is in use such as a beverage dispenser or film processing; and in accordance with the latest version of the City's cross connection control plan (CCCP) policies and procedures, and FAC.
- (9) Temporary connections.
- (b) The type of backflow prevention assembly or means required under subsection (a) above, testing and certification frequency shall be determined by the degree of hazard that may exist, the facility type, business operation, customer category or business tax standard industrial code (SIC) as follows:
- (1) For premises where there is an auxiliary water supply the utility system shall be protected by an approved air gap separation or a backflow prevention reduced pressure principle assembly as follows:
- a. Dual check valve (DuC) - Residential service connection with no known cross connection between the plumbing system and the auxiliary water supply or reclaimed water supply on the customer's premises; a dual check valve (DuC) shall be replaced/certified at least every ten years.

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- b. Double check valve (DC) - residential or non-residential service connection with a cross connection between the plumbing system and a low hazard auxiliary water supply or low hazard reclaimed water supply on the customer's premises; a double check valve (DC) for non-residential service connections shall be inspected and tested/certified annually; a double check valve (DC) for a residential services connection shall be tested biennially or more frequently if deemed necessary by the water purveyor.
 - c. Reduced pressure principle backflow-prevention assembly (RP or RPZ) - residential or non-residential service connection with a cross connection between the plumbing system and a high hazard auxiliary water supply or high hazard reclaimed water supply on the customer's premises such as reclaimed water not regulated under Part III of Chapter 62-610 FAC and surface water; an RPZ shall be provided and tested/certified annually for commercial service connections; an RPZ shall be provided and tested/certified biennially for residential service connections.
- (2) For premises where there is backpressure, such as a pump or tall building and if the customer has:
- a. No potable water distribution lines connected to the suction side of a booster pump or the presence of water or other substance that would be objectionable, but not hazardous to health, if introduced into the utility system, the utility system shall be protected by an approved backflow prevention assembly as follows:
 - 1. Double check valve assembly (DC) – if the property is a commercial use, low density residential use or a residential use without a compound meter a double check valve (DC) shall be provided; a double check valve assembly (DC) for a non-residential service connection shall be inspected and tested/certified annually; a double check valve assembly (DC) for a residential service connection shall be inspected and tested/certified biennially.
 - 2. Double check detector backflow-prevention assembly (DCDA) - if the property is a high density multi-family residential use or a compound meter exists; a double check valve detector backflow-prevention assembly (DCDA) shall be provided and inspected and tested/certified biennially.
 - b. One or more potable water distribution lines connected to the suction side of a booster pump or the premises may have any industrial fluids or any other objectionable substances that may create an actual or potential hazard to the public water supply or utility system or substance that would be a high hazardous to

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health, if introduced into the utility system, the utility system shall be protected by an approved backflow prevention assembly as follows:

1. Reduced pressure principle backflow-prevention assembly (RP) - if the property is a commercial use, a low density residential use or does not have a compound meter; a RPZ for a non-residential service connections shall be inspected and tested/certified annually; a RPZ for a residential service connections shall be inspected and tested/certified biennially.
 2. Reduced pressure principle detector backflow-prevention assembly (RPDA) - if the property is a high density multifamily residential use or has a compound meter; a RPZ for a non-residential service connection shall be inspected and tested/certified annually; a RPZ for a residential service connection shall be inspected and tested/certified biennially.
- (3) For premises where there is any material dangerous to health that may ~~is handled in such a fashion as to~~ create an actual or potential hazard to the utility system, the utility system shall be protected by an air gap separation or a reduced pressure principle assembly. Examples of premises where these conditions will exist include, but are not limited to, sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants; an RPZ shall be provided and tested/certified annually.
- (4) For premises where there are cross connection that are not controlled, either actual or potential, or intricate plumbing or piping arrangements the utility system shall be protected by an air gap (AG) separation or a reduced pressure principle assembly (RPZ); an AG shall be inspected/certified annually; an RPZ for a non-residential service connection shall be tested/certified annually; an RPZ for a residential service connection shall be tested/certified biennially.
- (5) For premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross connection survey, the utility system shall be protected against backflow from the premises by either an air gap (AG) separation or a reduced pressure principle assembly (RPZ); an AG shall be inspected/certified annually; a RPZ for a non-residential service connection shall be tested/certified annually; a RPZ for a residential service connection shall be tested/certified biennially.
- (6) For premises where, in the opinion of the director of ~~utilities~~ Public Works an undue health threat is posed because of the presence of extremely toxic substances, the Director of ~~utilities~~ Public Works shall require an air gap (AG) at the service connection to protect the utility system; an AG shall be inspected and certified annually.

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- (7) For premises where an irrigation system is connected directly to the utility system through an dedicated irrigation meter, the utility system shall be protected as follows:
- ~~a.~~ ~~On an open head sprinkler irrigation system and where such system is not in use more than twelve (12) consecutive hours an atmospheric vacuum breaker shall be required.~~
 - ~~a.~~ ~~b.~~ Pressure vacuum breaker assembly (PVB) - On an irrigation system not subject to backpressure a pressure vacuum breaker assembly (PVB) shall be required; a PVB on a non-residential service connection shall be inspected/certified annually; a PVB on a residential service connection shall be inspected/certified biennially.
 - ~~b.~~ ~~e.~~ Reduced pressure principle backflow-prevention assembly (RP or RPZ) - On an irrigation system subject to backpressure a double check valve shall be required.
~~d.~~ ~~On an irrigation system~~
 - ~~c.~~ ~~d.~~ or with chemical additives or agents a reduced pressure principle assembly (RPZ) shall be required; a RPZ for a non-residential service connection shall be tested/certified annually; a RPZ for a residential service connection shall be tested/certified biennially.
 - ~~d.~~ ~~e.~~ Double check valve assembly (DC) – if the dedicated irrigation connection was initially constructed before May 5, 2014 and no chemicals or agents are fed into the irrigation system; a double check valve (DC) for a non-residential service connection shall be inspected and tested/certified annually; a double check valve (DC) for a residential service connection shall be inspected and tested/certified biennially.
- (8) For premises with a fire service connection, the provisions of section 28-145 shall apply and a double check valve (DC) is required; a double check valve (DC) for a non-residential service connection shall be inspected and tested/certified annually; a double check valve (DC) for a residential service connection shall be inspected and tested/certified biennially.
- (9) No cross connections shall exist on the customer's premises between an auxiliary water supply such as a well, etc. and any reclaimed water system, or fire system; an air gap (AG) shall be provided and inspected/certified annually or an RPZ shall be provided and tested/certified annually.
- (10) 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 utility system a reduced pressure principle assembly (RP or RPZ) shall be provided; an RPZ shall be tested/certified annually for a non-residential service

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connection; a RPZ for a residential service connection shall be inspected and tested/certified biennially.

(11) For premises having internal cross connections, intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible or practical for inspection purposes a reduced pressure principle assembly (RPZ) is required; a RPZ for a non-residential service connection shall be inspected/certified annually; a RPZ for a residential service connection shall be tested/certified biennially.

(12) Cross connections between the public water supply and the wastewater system or reclaimed water system are prohibited, i.e. an air gap (AG) inspected/certified annually or two (2) RPs in series tested/certified biennially shall be maintained between any public water system and any wastewater system or reclaimed water system;

a. Except at temporary connections for construction sites where only non-health hazards (low hazard pollutants) exist or for flushing or testing/pressure testing for construction of new water mains or sewer force mains a double check valve (DC) inspected and tested/certified annually is adequate; or

b. Except at temporary connections for construction sites where health hazards (high hazard contaminants) exist a RPZ shall be provided and inspected and tested/certified annually; or

c. Except at temporary connections for construction sites to supply water for temporarily operating a new reclaimed water main that has not been connected to a reclaimed water supply a RPZ shall be provided and inspected and tested/certified annually; or

d. Except at temporary connections for mobile contractors where health hazards (high hazard contaminants) exist two (2) RPZs in series shall be provided and inspected and tested/certified biennially for each approved location with a permit.

The type of any backflow prevention assembly required herein shall be subject to the approval of the Director of ~~utilities~~-Public Works.

(c) All owners with premises requiring a backflow prevention assembly in accordance with the City Code of Ordinances or the City's Cross Connection Control Plan (CCCP) Policies and Procedures Manual shall obtain a permit from the Department of Sustainable Development (DSD) upon initial installation, repair or relocation of the backflow prevention assembly and pay applicable fees.

(d) Periodic Certifications - All existing RPs, RPDAs, DCs, DCDAs, and PVBs, shall be inspected, tested, and certified upon installation, by a certified backflow prevention assembly tester. The tester shall complete a Backflow Prevention Assembly Field Test

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Report (available on line) and deliver the completed report to the Director of Public Works or his designee. Backflow prevention assemblies for non-residential service connections shall be tested at least annually thereafter and two (2) RPZs in series shall be tested biannually (every six months). Residential service connections shall be tested biennially (i.e. every two years) or more frequently if deemed necessary by the water purveyor.

(e) All owners with premises requiring a backflow prevention assembly in accordance with the City Code of Ordinances or the City's Cross Connection Control Plan (CCCP) Policies and Procedures Manual shall:

- (1) Obtain recertification of the backflow prevention assembly from a backflow tester.
- (2) Provide a fully complete "Backflow Prevention Assembly Field Test Report" to the Director of Public Works or his designee that indicates the backflow prevention assembly has been tested and found to be operating in accordance with the industry's specifications as provided by the AWWA, ASSE, and USC-FCCHR.
- (3) Pay a forty five dollar (\$45) backflow recertification administration fee to the City for each backflow prevention assembly at the same premises. The backflow recertification administrative fees shall be paid to the Director of Public Works or his designee.

SECTION 3. That Section 28-154 of the Code is hereby amended to read as follows:

Sec. 28-154. Authority of Director of ~~utilities~~ Public Works.

The Director of ~~utilities~~ Public Works shall be responsible for the protection of the utility system from contamination or pollution due to the backflow of contaminants or pollutants through water service connection. When backflow prevention is required at the customer's water service connection or within such customer's system, as provided in this division, the Director of ~~utilities~~ Public Works or his designee shall give notice in writing to such customer to install such approved backflow prevention assembly or means.

SECTION 4. That Section 28-155 of the Code is hereby amended to read as follows:

Sec. 28-155. Customer responsibilities.

- (a) The customer shall, have tested and continually maintain the approved backflow prevention assembly or means required by this division.
- (b) The customer's system shall be open for inspection at all reasonable times to authorized representatives of the Director of ~~utilities~~ Public Works to determine whether cross connections or other threats to the utility system exist.
- (c) It shall be the duty of the customer at any premises where a required backflow prevention assembly, other than an atmospheric vacuum breaker, is installed, to have certified inspections and operational tests made in accordance with Sec 28-153 ~~at least once per year~~. In those instances where the Director of ~~utilities~~ Public Works deems the hazard to be great enough, certified inspections may be required at more frequent intervals.
- (d) All installations, inspections and tests shall be at the sole expense of the customer and shall be performed by a licensed plumber under permit who is also a certified backflow prevention ~~tester technician~~. It shall be the duty of the Director of ~~utilities~~ Public Works to see that these tests are made in a timely manner. If any backflow prevention assembly requires repair, overhaul, or replacement, such work shall be done within five ~~ten~~ (5) ~~(10)~~ working days of the notice to the customer of the need for such work and all such work shall be done by a licensed plumber under permit who is also a certified backflow prevention tester ~~technician~~ at the sole expense of the customer. A copy of the record of all such tests or other work specified herein shall be provided ~~reported~~ to the city immediately upon receipt by the customer of the record.

SECTION 5. That Section 28-156 of the Code is hereby amended to read as follows:

Sec. 28-156. Violations; penalties.

- (a) It shall be a violation of this division for a customer:
 - (1) To fail to properly install, test or maintain a backflow prevention assembly or means, as required by this division.
 - (2) To remove or bypass a required backflow prevention assembly or means.
 - (3) To fail to make his premises accessible for inspection, as required by this division.
 - (4) To have an unprotected cross connection exist on his premises.

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(b) The Director of ~~utilities~~ Public Works or his designee shall give written notice to a customer of any expiration or violation of the provisions of this division, which notice shall allow such customer a maximum of ten (10) working days to bring the premises into compliance. Failure to correct the violation within the time set forth in the notice shall authorize the Director of ~~utilities~~ Public Works or his designee to discontinue water service to the premises immediately. Service will not be restored until such violation is corrected. On any premises where the violation ~~is a low does not create an imminent and substantial danger to public health hazard,~~ the Director of ~~utilities~~ Public Works shall allow up to ~~an additional thirty one hundred eighty (30) (180)~~ an additional thirty days for the customer to bring the premises into compliance. In addition, the penalties provided in section 28-190 ~~4-6~~ of this Code shall apply.

SECTION 6. That Section 28-157 of the Code is hereby amended to read as follows:

Sec. 28-157. Non-required backflow prevention assemblies.

All Air Gaps (AGs) shall be inspected annually by the Director of Public Works or his designee. A one hundred dollar (\$100) inspection fee is required for all air gap inspections and inspections for a backflow waiver. The applicant shall:

- (a) Pay a one hundred dollar (\$100) inspection fee to the City.
- (b) Execute an affidavit of use and submit to the Director of Public Works or his designee; and
- (c) Schedule a backflow inspection with the Director of Public Works or his designee.

The Director of Public Works shall make the final determination whether a waiver will be denied, a one (1) year waiver will be granted or a waiver will be granted for more than one (1) year for each property.

...

SECTION 7. That Section 28-190 of the Code is hereby amended to read as follows:

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

Sec. 28-190. When bills due and payable; disconnection of service; liens for unpaid fees and service charges.

(a) . . .

(c) In the event that a water consumer whose water service has been cut off by reason of: 1) nonpayment of the lack of backflow prevention assembly his water or sewer bill, 2), inspection, testing or recertification, or 3) violations or provisions of Chapter 28 – Water, Wastewater, and Stormwater and who desires to have his water service reestablished, he shall pay the entire amount of such delinquent water or sewer bill, together with a twenty-dollar (\$20.00) fee for a service call to disconnect the consumer's water supply and a twenty-dollar (\$20.00) fee for a service call to reestablish such water service.

(d) Water service shall not be established or reestablished at the request of a consumer whose service has been terminated for : 1) nonpayment of his water or sewer bill, 2) the lack of backflow prevention assembly, inspection, testing or recertification, or 3) violations or provisions of Chapter 28 – Water, Wastewater, and Stormwater ~~nonpayment of his water or sewer bill~~ until all amounts due for water or sewer service, together with any charges for disconnection or reestablishment of such consumer's water supply, have been paid in full. When service has been disconnected at the water main by the city, an additional fee of three hundred sixty dollars (\$360.00) shall be paid by the consumer for the reestablishment of the water service.

. . .

SECTION 8. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 9. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 10. That this Ordinance shall be in full force and effect ten days from the date of final passage.

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ORDINANCE NO. C-15-__

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PASSED FIRST READING this the ___ day of _____ 2015.

PASSED SECOND READING this the ___ day of _____ 2015.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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C-15-__