

ARTICLE X. CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION
ORDINANCE*

***Editor's note:** Section 20 of Ord. No. 03-6, adopted May 14, 2003, repealed Ord. No. 02-7, from which §§ 38-471--38-487 derived. Sections 1--17 of Ord. No. 03-6 enacted similar provisions which have been codified to read as herein set out.

Sec. 38-471. Short title.

This article shall be known and may be cited as the "Hillsborough County Cross-Connection Control and Backflow Prevention Ordinance."

(Ord. No. 03-6, § 1, 5-14-03)

Sec. 38-472. Purpose and intent.

The purpose of this article is to establish minimum requirements for the control of cross-connections with and the prevention of backflow into certain public potable water supply systems within the unincorporated area of Hillsborough County, Florida. It is the intent of the board of county commissioners that no connection to any of those systems be made or retained which would impair or threaten the quality and/or potability of the water supplies delivered by such systems.

(Ord. No. 03-6, § 2, 5-14-03)

Sec. 38-473. Authority.

This article has been enacted by the board of county commissioners pursuant to the authority granted under Article VIII of the Constitution of the State of Florida and chapter 125, Florida Statutes, and in furtherance of the policy and intent declared by the State of Florida in the "Florida Safe Drinking Water Act" (sections 403.850 through 403.864, Florida Statutes).

(Ord. No. 03-6, § 3, 5-14-03)

Sec. 38-474. Administration.

This article shall be administered by the county administrator or his/her designee. until such authority is revoked or amended by the county administrator, the director of the county's water department and the county building official are authorized to act in all matters related to the administration and enforcement of this article. It is the intent of BOCC that there be no conflicting requirements between the director of the county water department or the county building official in their interpretation and enforcement. If conflict should occur the more restrictive shall apply. If agreement still can not be achieved the conflict shall be resolved by the cross connection backflow and backflow-siphonage control board.

(Ord. No. 03-6, § 4, 5-14-03)

Sec. 38-475. Jurisdiction.

This article shall apply to all public potable water systems within the unincorporated area of Hillsborough County, Florida.

(Ord. No. 03-6, § 5, 5-14-03)

Sec. 38-476. Definitions.

This section identifies words, terms, and phrases which have been assigned definitions unique to this article. When cited throughout the article in their capitalized form such words, terms, and phrases shall be construed as having the meaning assigned in this section.

Air Gap: A Backflow Prevention Device characterized by a physical separation between the free flowing discharge end of a Potable Water supply pipeline and an open or nonpressure receiving vessel. The physical separation shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel but in no case less than one (1) inch. This configuration can be used to eliminate a Cross-connection.

Applicant: The Property Owner, the duly authorized representative of the Property Owner, or the lessee or occupant of said property who applies for water service to and for said property and who can be bound to all legal obligations related to water service for the property.

Auxiliary Water Supply System: A pressurized or pumping-ready water supply system other than a Public Potable Water System which is located on or available to the Customer's property whether or not connected to a distribution system within the property. Such auxiliary systems include but are not limited to Reclaimed Water systems and private wells. As further defined in AWWA M-14 Second Edition (Chapter 5) 5.2.

Backflow: The undesirable reversal of flow of water or mixtures of waters and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source(s).

Backflow Prevention Assembly: A mechanical Backflow Prevention Assembly which is supplied with properly located resilient-seated shut-off valves at each end of the Assembly and properly located test cocks, and meets the standards of the University of Southern California's Foundation for Cross-Connection Control and Hydraulic Research (U.S.C.) and complies with the standard listed in the State Building as adopted By Hillsborough County.

Backflow Prevention Device: A mechanical device or plumbing configuration which is designed for use to prevent Backflow.

Board of County Commissioners: The governing body of the County.

Commercial Customer: A Customer other than a Residential Customer.

Construction Services Section: (CSS) Section in The Development Services Division Charged with the enforcement of the Hillsborough County Cross Connection Control Ordinance and the State Building Codes as adopted by Hillsborough County.

County: Hillsborough County a political subdivision of the State of Florida.

Cross-connection: Any physical arrangement whereby a Public Potable Water System is connected directly or indirectly with any other water supply system, sewer, drain, conduit, pool, storage reservoir (other than for storage of Potable Water by a Utility), plumbing fixture, or other device which contains or may contain contaminated water, wastewater or other waste, or liquid of unknown or unsafe quality which may be capable of imparting contamination to the Public Potable Water System as the result of Backflow.

By-pass 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.

Customer: An Applicant which has contracted to receive Potable Water services from a Utility for a particular service address and which is financially responsible for the payment of all charges legally assessed by the Utility with respect to each Water Service Connection applicable to that address.

Development Services Division (DSD): A Division of Planning and Growth Management.

Double Check Valve Assembly: A Backflow Prevention Assembly which includes two (2) internally spring loaded check valves, which are installed as a unit between two (2) tightly closing resilient-seated shutoff valves and fittings with properly located test cocks.

Hazard: A Cross-connection or Potential Cross-connection which involves an actual or potential threat to the quality and/or potability of the water supplied by a Public Potable Water System. The degree of Hazard associated with any Private Water System shall be determined from an evaluation of the conditions existing within that system.

Health Hazard: A Hazard involving any substance that could, if introduced into the Public Potable Water System, cause death or illness, spread disease, or has a high probability of causing such effects.

Nonhealth Hazard: A Hazard involving any substance that generally would not be a Health Hazard but would, if introduced into the Public Potable Water System, constitute a nuisance, be aesthetically objectionable and/or cause minor damage to the system.

Inspection Personnel: Utility, Plumbing, and Health Department Staff involved in the implementation of the article.

Nonpotable Water: Water which is unsuitable for human consumption or which is of questionable potability.

Plumbing Inspection Personnel: (PIP) Construction Services Section Personnel that serve at the direction of the Building Official.

Potable Water: Water that is suitable for human consumption.

Potable Water System: All facilities utilized for the production, treatment, storage, transmission, distribution, and delivery of potable water within the unincorporated area of Hillsborough County.

Potential: Conditions, which through possible error, accident, omission, or neglect pose an increased probability for a health hazard to occur due to a cross-connection between a potable water supply and a nonpotable source or substance. There is an increased probability of a cross-connection occurring when a pressurized or pumping-ready Auxiliary Water Supply System, as defined in this article, is on the same premises as the potable water supply system, even when there is no actual connection between the auxiliary water source and the potable water system.

Pressure Vacuum Breaker Assembly: A Backflow Prevention Assembly which includes an independently operating, internally loaded check valve; an independently operating, loaded air inlet valve located on the discharge side of the check valve; and properly located test cocks and tightly closing resilient-seated shut-off valves attached at each end of the Assembly. This Assembly shall not be used if back pressure could develop in the downstream piping.

Private Water System: All piping and appurtenances downstream from the Water Service Connection.

Prohibited Connection: Any connection of a safe system to an unsafe system as deemed by Inspection Personnel.

Property Owner: The title holder of record for a parcel of land.

Public Potable Water System: Each Potable Water System which is owned and/or controlled either by the County or pursuant to a water utility franchise granted by the board of county commissioners.

Reclaimed Water: Nonpotable Water derived from wastewater which has received at least secondary treatment pursuant to State regulations followed by high level disinfection.

Reduced-Pressure Principle Assembly: A Backflow Prevention Assembly which includes two (2) independently acting check valves; a hydraulically operating, mechanically independent pressure differential relief valve located both between the check valves and below the first check valve; and properly located test cocks and tightly closing resilient-seated shut-off valves attached at each end of the Assembly.

Residential Customer: The Customer for a Residential Service Address.

Residential Dual Check: A compact, mechanical Backflow Prevention Device manufactured with two (2) independently acting, spring actuated check valves.

Residential Service Address: A Service Address whose private water systems serve only residential dwellings the total of which is designed to house no more than four (4) families.

Service Address: The property which is served by one (1) or more water service connections pursuant to a Customer contract.

Utility: The individuals and/or legal entities which own and are responsible for the operation and maintenance of a Public Potable Water System.

Water Service Connection: The point of connection to the Public Potable Water System (metered or nonmetered) where the Utility loses jurisdiction and sanitary control over the Potable Water delivered to that point. Included within this definition are connections for fire hydrants and other temporary or emergency water service. For metered connections, the point of connection is the downstream end of the water meter.

(Ord. No. 03-6, § 6, 5-14-03)

Sec. 38-477. Cross-connection control and backflow prevention manual.

(1) All rules, regulations, and procedures developed pursuant to section 38-474 hereof shall be embodied in a Manual of Cross Connection Control and Backflow Prevention (the Manual), a copy of which shall be maintained on file with the Clerk to the Board of County Commissioners. Said manual is incorporated herein by this reference and made a part hereof. Amendments to the manual shall require public notice and the Board of County Commissioners' approval in the same manner as an amendment of this article.

(2) The County Administrator shall periodically review and recommend revisions to the manual to assure compliance with applicable laws, rules, and regulations of the State of Florida including, but not limited to, chapters 62-555 and 62-610, Florida Administrative Code, and of all other regulatory agencies having jurisdiction over the matters concerned therein. It is the intent of the Board of County Commissioners that the manual complies with the applicable provisions of Recommended Practice for Backflow Prevention and

Cross-Connection Control, AWWA Manual M14, American Water Works Association (2d ed., 1990) including addendum M14a-92 July 30, 1992 Cross Connections and Backflow Prevention, American Water Works Association (2d ed., 2nd Ed 1974), and the state building codes as adopted by Hillsborough County.

(3) If any conflict should exist between a provision of the manual and the provisions of this article, the county's building codes, the state building codes as adopted by the Hillsborough County, the Florida Safe Drinking Water Act, or any other state or county statute, ordinance, rule, or regulation applicable to public water systems, the more restrictive provision shall apply.

(Ord. No. 03-6, § 7, 5-14-03)

Sec. 38-478. Responsibility for compliance.

(1) Except as provided in subsection (a) below, each Customer shall be responsible for complying with the provisions of this article which are applicable to that Customer's Service Address. Each Utility shall be similarly responsible with respect to its Public Potable Water System.

(a) Nothing contained herein shall preclude a Customer who is not the Property Owner for that Customer's Service Address from recovering from such Property Owner all amounts incurred by the Customer in meeting the requirements of this article which are applicable to that Service Address.

(2) Except as otherwise provided herein, all expenses incurred by Utility or by a Customer of the Utility to achieve compliance herewith shall be the responsibility of the party whose facilities were the cause of such expenditures.

(Ord. No. 03-6, § 8, 5-14-03)

Sec. 38-479. Prohibited acts.

(1) 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.

(2) 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 article.

(3) 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 customers side of the service connection.

(4) Modification of any Backflow Prevention Assembly shall be prohibited.

(Ord. No. 03-6, § 9, 5-14-03)

Sec. 38-480. Inspections.

(1) Inspection Personnel may, with the Customer's permission, inspect the Private Water System(s) 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 article and of related codes and regulations.

(2) If the Customer denies Inspection Personnel reasonable access for such inspections, the Utility may cause the installation at the Customer's expense, the Backflow Prevention Assembly or Device(s) commensurate with the degree of Hazard anticipated by

Inspection Personnel for the Water Service Connection. If the Customer denies reasonable access to perform such installations, 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 either the aforesaid installation or inspection is provided by the Customer.

(Ord. No. 03-6, § 10, 5-14-03)

Sec. 38-481. Backflow prevention device installation.

(1) An appropriate Backflow Prevention Assembly shall be installed by the Customer immediately adjacent to and on the Customer's side of each Water Service Connection where in the opinion of Inspection Personnel a hazard (including an Auxiliary Water supply) would otherwise exist. The type of Backflow Prevention Assembly(s) to be installed and the manner of installation shall be as specified in the manual. All costs associated with each such installation shall be borne by the Customer.

(2) Unless a greater level of Backflow prevention is required, a Residential Dual Check shall be installed by the Utility at each Water Service Connection of every Residential Service Address which receives Reclaimed Water service. The charge which the Utility may assess the Customer for the installation performed by the Utility pursuant to this paragraph shall be established in accordance with section 38-484 herein. The costs associated with each installation which the Customer is required to perform shall be borne by that Customer.

(3) Each Utility, the Health Department, and the CSS shall develop and implement an appropriate on-going 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 manual and shall include providing written notice to the Utility's Customers of the applicable requirements of this article for which its Customers are responsible. Each Utility, the Health Department, and the CSS 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 article.

(4) The installations required pursuant to this section shall be completed within the period of time prescribed by the manual. Each Customer who is responsible for completing the installation for its property is also responsible for providing written notice of such completion to the CSS as prescribed by the manual.

(5) If any Customer fails to install the Backflow Prevention Assembly(s) required hereunder for a Water Service Connection, the Utility may cause the installation of, at the Customer's expense, the Backflow Prevention Assembly(s) commensurate with the degree of hazard anticipated by Inspection Personnel for that Water Service Connection. If the Customer denies reasonable access to perform such installations, the Utility may interrupt Potable Water service to the Private Water System(s) at the Service Address until such time that either access for or evidence of the installations is provided by the Customer.

(Ord. No. 03-6, § 11, 5-14-03)

Sec. 38-482. Backflow prevention assembly testing.

(1) 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. The Customer is responsible for having the appropriate test conducted and for submitting the results thereof to the CSS all costs associated with such testing shall be borne by the Customer. The CSS is responsible for providing written notice to the Utilities, their Customers, and Franchises of the requirement for the test and the date that the test results are due. Such notice shall be provided in accordance with the manual. All testing shall be performed in accordance with the manual.

(2) If any Customer fails to provide the CSS with the documentation prescribed by the manual to evidence performance of each test required hereunder for a Water Service Connection, the Utilities may cause these test to be performed, such testing to be at the Customer's expense. If the Customer denies reasonable access to perform such testing, the Utilities may interrupt Potable Water service to the Private Water System(s) at the Service Address until such time that either Access for or evidence of the testing is provided by the Customer.

(Ord. No. 03-6, § 12, 5-14-03)

Sec. 38-483. Backflow prevention assembly repair/replacement.

(1) Each mandatory Backflow Prevention Assembly found to be functioning improperly shall be repaired or replaced by the Customer in accordance with the manual.

(2) The Utilities are responsible for causing the repairing or replacement of each Backflow Prevention Assembly(s) or Device(s) that the Utility cause to be installed or any components thereof when necessary to assure the prevention of Backflow. Each such repair or replacement shall be performed in accordance with the manual. The charge which the Utilities may assess the Customer for any such repair or replacement shall be established in accordance with section 38-484.

(3) If any Customer fails to provide the CSS 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 article, the Utilities may cause the performance of such repairs or replacement at the Customer's expense. If the Customer denies reasonable access to perform such repairs or replacement, the Utilities may interrupt Potable Water service to the Private Water System(s) at the Service Address until such time that either access for or evidence of such repairs or replacement is provided by the Customer.

(Ord. No. 03-6, § 13, 5-14-03)

Sec. 38-484. Fees and charges.

(1) The fees and charges which the County shall assess its Customers to carry out the provisions of this article shall be established at properly advertised public hearings conducted by the Board of County Commissioners and shall be set by a resolution of the Board of County Commissioners.

(2) In carrying out the provisions of this article each Utility other than the County shall assess its Customers in accordance with one (1) of the following methods:

(a) The actual cost to the Utility of the services provided;

- (b) The appropriate fees and charges established pursuant to subsection (1) above; or
- (c) The appropriate fees and charges established by the Board of County Commissioners for the Utility pursuant to local ordinance.

The assessment method utilized by the Utilities shall be at each Utility's election but shall not be implemented by any particular Utility until such Utility has provided at least thirty (30) days prior written notice to its Customers and to the County of the method selected and any fees and charges to be implemented.

(Ord. No. 03-6, § 14, 5-14-03)

Sec. 38-485. Emergency acts.

(1) Each Utility 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 article, until such time that a resumption of service to the Private Water System is deemed appropriate by the Utility.

(2) The County Administrator may take whatever emergency action that he/she 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 article or of any related regulation. The County Administrator shall not authorize any entry into a building or structure under such emergency powers without first obtaining the authorization of either (a) the owner or lawful occupant of the structure or (b) a court of competent jurisdiction. The County Administrator may interrupt Potable Water service to any Private Water System connected to the County's Public Potable Water System or demand the immediate interruption of service to any Private Water System connected to a Public Potable Water System owned by a Utility other than the County, until such time that a resumption of service to the Private Water System is deemed appropriate by the County Administrator. The Utility shall comply with each such demand for interruption.

(3) Advance notice of each interruption of service which is exercised pursuant to this section shall to the extent practicable be provided to the affected Customers by their respective Utilities.

(4) 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.

(Ord. No. 03-6, § 15, 5-14-03)

Sec. 38-486. Enforcement.

(1) The party or parties responsible for a violation of this article shall be liable for all expenses, losses, or damage, including attorneys' fees and legal costs, incurred by the County and/or by a Utility 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.

(2) If the County Administrator determines that a violation of this article has occurred, the County Administrator may (a) determine the actions necessary and appropriate to correct such violation; (b) determine the party or parties responsible either in whole or in part for such violation and require correction thereof; (c) determine the amount of any

expense, loss, or damage incurred by the County as a result of such violation; (d) assess the responsible parties for such amounts and (e) receive payment thereof for deposit in appropriate County accounts. In order to require any such correction or payment and prior to pursuing any other remedy or enforcement action on behalf of the County, the County Administrator shall provide each responsible party with written notice of (a) the aforesaid determinations, (b) the specific corrections and/or payment required from that party, and (c) any other liability or penalty which may be applicable to such a violation hereunder.

(3) In addition to any penalty or remedy provided by law for a violation of the provisions of this article, the County may petition a court of competent jurisdiction to enjoin, restrain, or otherwise prevent any such violation or to recover expenses, losses, or damages pursuant to subsection (1) above.

(Ord. No. 03-6, § 16, 5-14-03)

Sec. 38-487. Penalties.

Pursuant to section 125.69, Florida Statutes, a person who violates any provision of this article shall be subject to prosecution in the name of the State of Florida in the same manner as misdemeanors are prosecuted; and, upon conviction, such person shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail not to exceed sixty (60) days or by both such fine or imprisonment.

(Ord. No. 03-6, § 17, 5-14-03)

Secs. 38-488--38-500. Reserved.