

HFD/lss  
5/17/2012  
7/12/2012 (revised)  
7/16/2012 (revised)

**CITY COUNCIL ORDINANCE NO. 2012-2027**

**AN ORDINANCE OF THE CITY OF LAKE CITY, FLORIDA, AMENDING CHAPTER 102, ARTICLE I OF THE CITY CODE RELATING TO CITY UTILITIES BY ADDING A NEW SECTION TO BE NUMBERED SECTION 102-5, TO PROVIDE FOR THE DEFINITION OF "CROSS CONNECTION"; BY ADDING A NEW SECTION TO BE NUMBERED SECTION 102-6 TO PROVIDE FOR PROHIBITION AND PENALTIES FOR CROSS CONNECTION; BY ADDING A NEW SECTION TO BE NUMBERED SECTION 102-7 TO PROVIDE FOR THE DEVELOPMENT OF A ROUTINE CROSS CONNECTION CONTROL PROGRAM; BY ADDING A NEW SECTION TO BE NUMBERED SECTION 102-8 TO PROVIDE FOR THE RIGHT OF INSPECTION; BY ADDING A NEW SECTION TO BE NUMBERED SECTION 102-9 TO PROVIDE FOR REMEDIAL ACTION; BY ADDING A NEW SECTION TO BE NUMBERED SECTION 102-10 TO PROVIDE FOR THE INSTALLATION OF BACKFLOW-PREVENTION DEVICES ACCEPTABLE TO FLORIDA DEPARTMENT OF ENVIRONMENT PROTECTION ("FDEP") ON ALL EXISTING CONNECTIONS TO THE CITY'S POTABLE WATER SYSTEM OTHER THAN SINGLE-FAMILY RESIDENCES; BY ADDING A NEW SECTION TO BE NUMBERED SECTION 102-11 TO PROVIDE FOR THE MAINTENANCE OF BACKFLOW PREVENTION DEVICES; BY ADDING A NEW SECTION TO BE NUMBERED SECTION 102-12 TO PROVIDE THAT ALL USERS OF CITY WATER WITHIN THE CITY AND**

COUNTY SHALL COMPLY WITH ALL OF THE REQUIREMENTS OF THIS ORDINANCE; BY ADDING A NEW SECTION TO BE NUMBERED SECTION 102-13 TO PROVIDE FOR ENFORCEMENT OF THE PROVISIONS OF CHAPTER 102 BY OTHER LAWFUL METHODS, INCLUDING ENFORCEMENT BY THE CODE ENFORCEMENT BOARD; AMENDING CHAPTER 102, ARTICLE II, BY ADDING A NEW SECTION TO BE NUMBERED SECTION 102.41 TO PROVIDE FOR THE IMPOSITION OF FEES FOR THE MAINTENANCE, INSPECTION AND REPLACEMENT OF FIRE HYDRANTS PRIVATELY OR PUBLICLY OWNED WHICH ARE CONNECTED TO AND USE CITY WATER; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT WITH ANY OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR THE INCLUSION OF THIS ORDINANCE IN THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:

Section 1. That the Code of the City of Lake City, Florida, is hereby amended by adding new sections to Chapter 102, Article I to be numbered Sections 102-5, 102-6, 102-7, 102-8, 102-9, 102-10, 102-11, and 102-12, which sections read as follows:

Chapter 102

Article I

**Section 102-5. "Cross Connection" Defined.**

*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 the 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.

**Section 102-6. Cross Connection Prohibited; Penalties**

Cross connection as defined in Section 102-5 is prohibited. Any person making or allowing to be made such cross connection to the City water system shall be subject to the penalties of Section 102-2(b)(5) of this Code.

**Section 102-7. Cross Connection Control Program**

The Executive Director of Utilities with the Utilities Water Director shall develop a routine cross connection control program to detect and prevent cross connections that created or may create an imminent and substantial danger to public health. In so doing, the Directors shall utilize the accepted practices of the American Water Works

- (3) Direct the installation of an FDEP-approved backflow-prevention device by a licensed irrigation contractor or by the City with the property owner or user of the services to be billed for the cost thereof on the next ensuing water bill. The failure to pay such bill shall subject the property to disconnection from the City water system.

**Section 102-10. Existing Development.**

Backflow-prevention devices acceptable to FDEP shall be installed on all existing connections to the City's potable water system, other than single-family residential connections, that are not connected to the City's reuse water system. 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 irrigation contractor or by the City, depending on the line size, at a location to be determined by the utilities division and, in those cases which require installation on private property, agreed to by the property owner, and such installation certified by a certified back-flow 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; or
- (2) At the time of any plumbing modifications requiring a plumbing permit; or

- (3) At the time of annexation of an existing property connected to the City's potable water system; or
- (4) At the time of meter installation or replacement; or
- (5) At the time an inspection reveals a cross connection,

whichever event shall first occur. A plumbing permit shall be obtained prior to installation of any device.

**Section 102-11. Maintenance of Backflow-Prevention Devices.**

(a) Any dual-check backflow-prevention device installed by the City shall be maintained by the City and periodically inspected in accordance with an inspection program to be developed by the Executive Director of Utilities. All other types of backflow prevention devices, regardless by whom installed, shall be maintained by the property owner or user of the services and shall be inspected on at least an annual basis by a certified backflow prevention device technician.

(b) Any such technician shall have attended and successfully completed the certification program for backflow-prevention device testers from the Florida Water and Pollution Control Operators Association ("FWPCOA"), the Training Research and Education for Environmental Occupations ("TREEO") at the University of Florida or an equivalent program as determined by the Executive Director of Utilities and shall keep current and keep on file with the utilities division a copy of said certificate.

(c) Each owner responsible for the inspection and maintenance of his own backflow-prevention device shall file by no later than December 31 of each year a certified statement from a certified technician that the device has been inspected and that it is working properly. In the event such certified statement is not provided in a timely manner, the Executive Director of Utilities or his agent shall so notify the owner or user of the services by either first-class mail, or certified mail, return receipt requested. If such certified statement is not provided within ten (10) calendar days of the date of receipt or refusal of the notice, the City may perform the necessary inspection at cost to the owner. The cost shall be included on the next ensuing utility bill, and failure to pay shall subject the property to disconnection from the City water system. Any necessary repairs to the backflow-prevention device shall be completed within thirty (30) calendar days of the inspection revealing the need for such repairs. Failure to complete such repairs shall provide basis for the disconnection of the property from the City water system. 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 the recommendation of the Executive Director of Utilities, determines such action to be necessary to adequately protect the public health, safety, and welfare.

**Section 102-12. Compliance with Ordinance.** All persons or entities connected to the City water utility system shall comply with all of the provisions and requirements of this ordinance

**Section 102-13. Enforcement by Other Means.**

The provisions of this article are additional and supplemental means of enforcing the City codes or articles and nothing contained in this article shall prohibit the City from enforcing this article by other means as may be lawfully authorized, including enforcement by the Code Enforcement Board, except as may be prohibited by the laws of Florida.

**Section 2.** That the Code of the City of Lake City, Florida, is hereby amended by adding a new section to Chapter 102, Article II to be numbered Section 102.41, which section reads as follows:

Chapter 102

Article II

**Section 102.41. Fire Hydrant Maintenance, Inspection and Replacement Fees.**

- (a) Pursuant to and in accordance with the provisions of Section 46-50 of Chapter 46, Article III established by City Ordinance No. 2011-2012 annual fire protection charges are hereby established to defray the City's fire hydrant maintenance, inspection and replacement costs. Fees payable under this section are established by separate resolutions of the

City Council which resolutions as adopted from time to time are incorporated and made a part of this section;

- (b) Annual fire protection fees under this section apply to public or private fire hydrants located outside of the incorporated city boundaries which are connected to the City's water distribution system and privately owned fire hydrants within the City limits that are connected to the City utility's water distribution system.

**Section 3. Repeal.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4. Severability.** Should any section, subsection, sentence, clause, phrase, or other provision of this ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

**Section 5. Inclusion in the City Code.** It is the intention of the City Council of the City of Lake City, Florida, that the provisions of this ordinance shall become and be made a part of the Code of the City of Lake City, Florida, and that the sections of this ordinance may be numbered appropriately in order to accomplish such intentions.

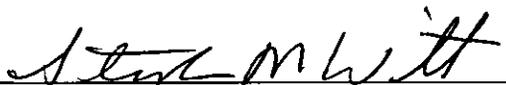
**Section 6. Effective Date.** This Ordinance shall take effect upon its adoption.

**PASSED AND ADOPTED** upon first reading this 6<sup>th</sup> day of August,

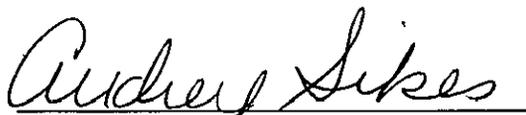
2012.

**NOTICE PUBLISHED** on the 10<sup>th</sup> day of August 2012.

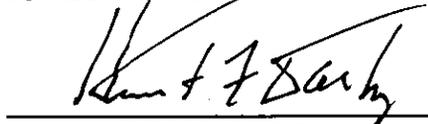
PASSED AND ADOPTED upon second and final reading this 20<sup>th</sup> day  
of August 2012.

  
STEPHEN M. WITT  
MAYOR

ATTEST:

  
AUDREY SIKES  
CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

By:   
HERBERT F. DARBY  
City Attorney