

ORDINANCE 2017-06-11

AN ORDINANCE OF THE CITY OF GROVELAND, FLORIDA AMENDING PORTIONS OF ARTICLE VII IN CHAPTER 78 OF THE CODE OF ORDINANCES OF THE CITY OF GROVELAND RELATING TO BACKFLOW AND CROSS CONNECTION CONTROL; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Administrative Code 62-555.360-1 sets forth the minimum components that each community water system shall include in its written cross-connection control plan; and

WHEREAS, the City of Groveland is committed to protecting the quality of its potable water supply for its consumers; and

WHEREAS, the City Council of the City of Groveland desires to amend its code to ensure compliance with Florida law; and

WHEREAS, pursuant to Section 166.021, Florida Statutes, the City of Groveland through its home rule powers may exercise any power for municipal purposes except those expressly prohibited by law.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF GROVELAND, FLORIDA:

SECTION 1. Definitions. The Code of Ordinances of the City of Groveland, Florida is amended by adding definitions to Sec. 78-237 to the existing definitions which shall include:

Sec. 78-237.-Definitions.

*Backflow preventer assemblies* include double check valve assemblies and double check detector assemblies, pressure vacuum assemblies, and reduced-pressure principle assemblies and reduced pressure principle detector assemblies.

*Non-residential service connection* means any service connection other than residential service connection.

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

**SECTION 2. Local authority.** That Sec. 78-238 of the Code of Ordinances of the City of Groveland, Florida is hereby amended to read as follows:

**Sec. 78-238. – Local authority.**

All territory within the City of Groveland served by the City of Groveland potable water system, shall be governed by this division to the extent permitted by law. The Public Services Director or its designee shall cause inspections to be made of all properties served by the public potable water supply. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the "Cross Connection Control Program" of the Public Services Department of the City of Groveland and in accordance with Florida Department of Environmental Protection requirements. Any fees or charges established by the City of Groveland pursuant to the regulations or requirements established herein may be changed from time to time by resolution of the city council.

**SECTION 3. Manual adopted; compliance required.** That Sec. 78-239 of the Code of Ordinances of the City of Groveland, Florida is hereby amended to read as follows:

**Sec. 78-239. - Manual adopted; compliance required.**

The City of Groveland adopts by reference the Groveland Public Services Department Cross Connection Control Plan (Plan), 2016 version, as may be updated and amended from time to time. Compliance with the Plan and the cross connection program contained therein is hereby required. A copy of the Plan shall be on file with the City Clerk and Public Services Director.

**SECTION 4. Inspection.** That Sec. 78-240 of the Code of Ordinances of the City of Groveland, Florida is hereby amended to read as follows:

**Sec. 78-240. - Inspection.**

Duly authorized representatives of the City of Groveland shall be permitted, during reasonable hours, to enter any building, structure, or property served by a connection to the public potable water supply system of the city for the purpose of inspecting the piping system or systems on such property. With respect to the inspection of any residential service connection consent to such access shall be obtained from a person of suitable age and discretion therein or in control thereof. The refusal of information or refusal of access, when requested shall be deemed evidence of the presence of cross connections. Further, duly authorized representatives of the City of Groveland shall be permitted access to property to perform regular testing and/or repair of backflow prevention devices.

**SECTION 5. Protection of public potable water supply; labeling required.** That Sec. 78-241 of the Code of Ordinances of the City of Groveland, Florida is hereby amended to read as follows:

**Sec. 78-241. - Protection of public potable water supply; labeling required.**

The potable water supply made available on the properties served by the public potable water supply shall be protected from present or future possible contamination as specified by this article and by state and local plumbing codes. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled "WATER UNSAFE FOR DRINKING" in a conspicuous manner.

**SECTION 6. Testing.** That Sec. 78-242 of the Code of Ordinances of the City of Groveland, Florida is hereby amended to read as follows:

**Sec. 78-242. - Testing.**

All testable backflow prevention assemblies shall be tested initially upon installation to be sure that the assembly is working properly. Subsequent testing of assemblies shall be conducted on an annual or biennial basis as required by the City of Groveland. Only individuals that are approved by the City of Groveland and State of Florida certified shall be qualified to perform such testing. That individual(s) shall certify the results of his/her testing.

**SECTION 7. Expenses and records, consumer and Utility responsibility.** That Sec. 78-243 of the Code of Ordinances of the City of Groveland, Florida is hereby amended to read as follows:

**Sec.78-243. - Expenses and records, consumer and Utility responsibility.**

The consumer shall bear all expense of installing, testing, and maintaining the protective devices required by Section 78-239 to ensure proper operation on a continuing basis. Installation, testing, and maintenance of protective devices shall be conducted by certified personnel meeting the requirements of the Program. The consumer shall keep records of 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 Utilities Director or his designated agent. The utility, at its discretion, may elect to perform testing and maintenance of any and all protective devices to satisfy the requirements of this Section. The utility shall keep records on the testing, maintenance, and repair activities related to cross connection control and shall make such records available

upon request. City of Groveland may exact fees upon the consumer to cover any costs associated with the City of Groveland Cross Connection Control Program.

**SECTION 8. Discontinuance of service.** The Code of Ordinances of the City of Groveland, Florida is hereby amended by adding a section, to be numbered 78-244, which said section reads as follows:

**Sec. 78-244. - Discontinuance of service.**

The Public Services Director or its designee is hereby authorized and directed to discontinue potable water service to any property, wherein any connection in violation of Section 78-239 exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public potable water supply system. Water services to such property shall not be restored until the actual or potential cross connection has been eliminated or until an appropriate backflow prevention device has been installed in compliance with the provisions of this division.

**SECTION 9. Other codes and rules.** The Code of Ordinances of the City of Groveland, Florida is hereby amended by adding a section, to be numbered 78-245, which said section reads as follows:

**Sec. 78-245. - Other codes and rules.**

Section 78-239 does not supersede the Standard Plumbing Code of the Southern Building Code Congress International, the Florida State Department of Health Plumbing Rules, or any local plumbing ordinance, but is supplementary to them; provided that where conflicts exist, the more restrictive provision shall apply.

**SECTION 10. Violations.** The Code of Ordinances of the City of Groveland, Florida is hereby amended by adding a section, to be numbered 78-246, which said section reads as follows:

**Sec. 78-246. - Violations.**

- (a) **Notification of violation.** The Public Services Director or its designee shall notify the owner of the property or customer in which there is found a violation of this article. The public services director or its designee shall set a reasonable time for the violation to be removed or corrected. On failure to have the defect removed or corrected by the end of the specified time interval, the public services director may cause the water service to the building or premises to be terminated, and/or recommend such additional remedies as may be invoked pursuant to this section.
- (b) **Notice.** Notice of such violation shall be given by delivering the same to the premises and a copy thereof mailed to the billing address as it appears on the

City of Groveland billing records. If to the owner, a copy shall be mailed to the billing address as it appears on the tax collectors records.

- (c) **Penalties.** Any person or customer found guilty of violating any of the provisions of Section 78-239, shall be punishable in accordance with Section 1-7. In addition, such person or customer shall pay all costs and expenses involved in the case to include attorney's fees.

**SECTION 11. Violation liability.** The Code of Ordinances of the City of Groveland, Florida is hereby amended by adding a section, to be numbered 78-247, which said section reads as follows:

**Sec. 78-247 Liability public employees.**

No provisions of this division designating the duties of any City of Groveland 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.

**SECTION 12. Severability.**

That if any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**SECTION 13. Conflict.**

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 14. Codification.**

It is the intent of the City Council of the City of Groveland that the provisions of this ordinance shall become and made a part of the City of Groveland Code of Ordinances; and grants authority to the codifier to renumber or reletter sections, and change the words in this ordinance to section, article, chapter or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 15. Effective Date.**

This Ordinance shall become effective immediately upon its approval and adoption by the City Council.

PASSED AND ORDAINED in regular session of the City Council of the City of Groveland, Lake County, Florida, this 7<sup>th</sup> day of August, 2017.

  
KAREN MCMICAN, ACTING MAYOR

City of Groveland, Florida

ATTEST:

*Deigera Wright*  
City Clerk/Acting City Clerk

Approved as to Form:

*Anita Geraci-Carver*  
Anita Geraci-Carver  
City Attorney

Passed First Reading 06-19-17  
Passed Second Reading 08-07-17

Council Member *Griffin* moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Council Member *Radzik* and upon roll call on the motion the vote was as follows:

	YEA	NAY
John Griffin	<input checked="" type="checkbox"/>	
Mike Radzik	<input checked="" type="checkbox"/>	
Karen McMican	<input checked="" type="checkbox"/>	
George Rosario		
Dina Sweatt	<input checked="" type="checkbox"/>	