



City of North Port

ORDINANCE NO. 2020-02

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, TO ELIMINATE THE CITIZEN OPT-IN PROGRAM UNDER THE CROSS-CONNECTION CONTROL PROGRAM, BY AMENDING SECTION 78-129 – CROSS-CONNECTION CONTROL PROGRAM; PROVIDING FOR ADOPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODING; AND PROVIDING AN EFFECTIVE DATE.

1 **WHEREAS**, the City of North Port has broad home-rule powers to enact ordinances which are not
2 inconsistent with general or special law for the purposes of protecting the public health, safety, and
3 welfare of its citizens; and

4
5 **WHEREAS**, the City Commission has determined that the proposed amendments to the code serve the
6 public health, safety and welfare of the citizens of the City of North Port, Florida.

7
8 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT,**
9 **FLORIDA:**

10
11 **SECTION 1 – FINDINGS**

12
13 1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set
14 forth herein.

15
16 **SECTION 2 – ADOPTION**

17
18 2.01 Chapter 78 of the Code of the City of North Port, Florida is hereby amended to read as follows:

19
20 **“CHAPTER 78 – UTILITIES**

21 . . .

22 **ARTICLE V. – CROSS-CONNECTION CONTROL**

23 . . .

24 **Sec. 78-129. - Cross-connection control program.**

25
26 (a) General.

27 (1) CCCP Manual. Except as otherwise provided by this article, the City of North Port Cross-
 28 Connection Control Program Manual (“CCCP Manual”), as amended from time to time,
 29 is hereby adopted and incorporated herein by reference. Compliance with all provisions
 30 of the CCCP Manual is hereby required for properties connected to the city’s water
 31 utility.

32
 33 (2) Program. The city’s cross-connection control program is in addition to the fixture
 34 protection, in-premises, and internal backflow preventers required by the Florida
 35 Building Code.

36
 37 (3) Notices. All notices required herein shall be issued in writing to the property owner of
 38 record.

39
 40 (b) Affected facilities.

41
 42 (1) ~~All new~~ New water customers. At the time a water customer applies for a water meter,
 43 the city shall conduct a plan review and a site evaluation. All water customers applying
 44 for a water meter shall be are required to install a city-approved backflow preventer.

45
 46 (2) Exterminating companies. ~~All tanks, Tanks, tank trucks, and spraying apparatus, or~~
 47 similar containers used to convey pesticides in furtherance of an exterminating process
 48 shall can only fill ~~those items~~ be filled at city-designated and approved protected
 49 potable water fill locations. ~~Filling those items~~ Filling such containers with potable water
 50 at undesignated and unapproved locations, such as at a private residence, is strictly
 51 prohibited.

52
 53 (3) Construction sites. At all construction sites using the city's potable water system, the
 54 property owner shall ensure that a city-approved backflow prevention assembly is
 55 installed at the potable water connection point. While the site is under construction, the
 56 contractor shall must utilize a city-approved testable aboveground, reduced pressure
 57 zone, double check valve, dual check valve, and meter assembly. Failure to comply with
 58 ~~this article~~ these requirements may result in the termination of water service.

59
 60 (4) Installations requiring continuous service. For facilities ~~that require~~ requiring continuous
 61 uninterrupted water service, and where it is not possible to provide service from two
 62 separate meters, the property owner must ensure that ~~provisions shall be made for a~~
 63 “parallel installation” of backflow prevention assemblies is made. An unprotected
 64 bypass around a backflow prevention assembly is prohibited.

65
 66 (5) Potable water fill locations. All city-designated and approved potable water fill locations
 67 shall consist of overhead piping arrangements that include the appropriate air gaps. If
 68 for any reason an overhead piping arrangement cannot be used, a reduced pressure
 69 principle assembly backflow preventer shall be installed on the fill line.

70
 71 (6) Miscellaneous uses of water from fire hydrants. The operation of a fire hydrant by
 72 anyone other than city-authorized personnel is prohibited. The city may issue a hydrant
 73 meter permit authorizing the use of water from a fire hydrant for construction or other

74 purposes provided a hydrant meter permit is applied for and granted through the city's
 75 utilities department and all backflow prevention requirements are followed.

76
 77 (c) Installation.

- 78
 79 (1) When required by the city, a city-approved service protection backflow preventer shall
 80 must be installed immediately downstream of the water meter (between the water
 81 meter and the house or other structure being served), or at the property line when a
 82 meter is not present, or at a location approved by the city in writing or by an approved
 83 drawing, to protect all water service connections.
 84
 85 (2) No plumbing or piping outlets, tees, wyes, or connections shall exist are permitted
 86 between the water meter or service connection and the service backflow preventer.
 87
 88 (3) All property owners required by the city to have a backflow preventer shall must have
 89 an appropriately licensed plumbing contractor install a city-approved backflow
 90 preventer.
 91
 92 (4) The type of backflow preventer required to be installed shall be commensurate to the
 93 degree of actual or potential health hazard as determined by the city.
 94

95 (d) Commercial annual backflow preventer testing.

- 96
 97 (1) Commercial water customers owners shall have the backflow preventers located on
 98 their commercial property tested annually. Annual testing shall must be done by a
 99 certified backflow preventer assembly tester or by a licensed backflow preventer
 100 contractor. ~~Commercial property owners shall must provide the city with written test~~
 101 ~~results dated within 60 days of the test due date, indicating that each backflow~~
 102 ~~preventer passed the annual testing. Written test results shall must be provided to the~~
 103 ~~city by the backflow preventer's annual testing due date.~~
 104
 105 (2) Annual testing for commercial and multifamily potable water, fire lines, and bypass
 106 backflow preventers are due on the same date each year, as further specified in the
 107 CCCP Manual. The city shall provide at least ~~30~~ thirty and sixty days' ~~advance written~~
 108 notice to the water customer of the annual testing due date, the testing requirement,
 109 and the reporting requirement.
 110
 111 (3) ~~Commercial water~~ Water customers that fail to provide the city with a written report of
 112 a passing test, the results of which are dated within sixty days of the testing due date, as
 113 ~~required by this section will be assessed a non-compliance fee, and the city will provide~~
 114 ~~notice that the property will be shut off if passing results are not received within the~~
 115 ~~time specified in the noncompliance notice. If passing results are not received by the~~
 116 ~~date specified in the non-compliance notice, the city may, without further notice,~~
 117 ~~disconnect~~ shut off water service ~~from to~~ the property until the utilities department
 118 receives a passing test result by a properly certified backflow preventer tester. ~~has been~~
 119 ~~received by the utility department~~ The commercial water customer will and shall be

liable for the shut-off non-compliance fee, as amended from time to time in the City Fee Structure attached as Appendix A to this code.

(e) Residential service connection site inspection.

(1) Following a ~~30~~ thirty-day ~~written notice to the property owner of record,~~ the city or its agent ~~shall~~ may inspect the service connections on ~~that a~~ residential property utilizing criteria and procedures set forth in AWWA Manual M14, as amended.

(2) The city or its agent is authorized to enter any residential utility easement located on the property to inspect for cross-connections, to test backflow preventers, to conduct health hazard assessments, to inspect reclaimed water or reuse water systems, and to identify auxiliary water supplies that could contaminate the city's water system.

(3) The city will provide notice of any cross-connection hazards, as defined by the CCCP Manual, discovered during an inspection. Within seven days of the date of the notice, a property owner must install a city-approved backflow prevention device. Any newly installed testable backflow preventer must be tested in accordance with this article at the time of installation and the city must be provided with a copy of test results showing that the installed backflow preventer passed all applicable tests within fourteen days of the notice.

(4) If inspection finds that a cross-connection hazard exists, the city shall notify the property owner of record in writing of those findings. The city will provide notice of any direct cross connection, and will immediately shut-off the water meter and provide notice of such action to the property owner. In order to reinstate service, a ~~The property owner must shall then do one of the following:~~

a. ~~Immediately upon receiving the notice, the property owner must eliminate the direct cross-connection hazard until~~ Within seven days of reinstatement of service, a property owner must install a city-approved backflow prevention device is installed. Any existing backflow preventer not passing the applicable test must be repaired and retested or replaced with a city-approved backflow preventer. Any newly installed testable backflow preventer shall must be tested in accordance with this section article at the time of installation and the city shall must be provided with a copy of test results showing that the installed backflow preventer passed all applicable tests within fourteen days of the notice.

b. ~~Within ten days of receiving the notice, a property owner may appoint the city as the property owner's agent for purposes of installing a new backflow preventer, by completing and returning the appointment form enclosed with the notice or in person at the city Utilities Department office. If appointed as the property owner's agent, the city shall have a new backflow preventer installed at the property, have it tested, and provide the test result as required. All work done shall be at the expense of the property owner. The applicable cost, interest rate, and administrative charges, as amended from time to time in the City Fee Structure attached as Appendix A to this code, shall be set forth in the customer notice.~~

167 ~~(5)~~ (4) In the event the city is unable to access the residential utility easement located on
 168 the property, the city ~~shall~~ will notify the property owner in writing that the property
 169 owner must contact the utilities office within ~~ten~~ fourteen days ~~from the receipt of~~
 170 ~~notice~~ to schedule access to the property for site inspection.

171
 172 ~~(6)~~ (5) If the residential property owner fails to respond to the ~~city's written~~ notice within
 173 fourteen days of the date of the notice or ~~interferes with~~ fails to provide access to
 174 the residential utility easement located on the property as requested, the property
 175 will be deemed a high hazard risk and a city-approved testable backflow prevention
 176 device will be required for the property. The city ~~shall~~ will provide notice ~~notify the~~
 177 ~~property owner in writing~~ of such designation. Within thirty days from the date of
 178 the notice, the The property owner ~~shall~~ must then do one of the following:

179
 180 a. ~~Within 30 days of receiving the notice, the property owner shall~~ have a city-
 181 approved backflow prevention device installed and tested in accordance with this
 182 article, and provide the city with section, and the city shall be provided a copy of the
 183 test results showing that the installed backflow preventer passed all applicable
 184 tests.

185
 186 b. ~~Within ten days of receiving the notice, a property owner may appoint the city as~~
 187 ~~the property owner's agent for purposes of installing a new backflow preventer by~~
 188 ~~completing and returning the appointment form enclosed with the notice or in~~
 189 ~~person at the city's utilities department office. If appointed as the property owner's~~
 190 ~~agent, the city shall have a backflow preventer installed at the property, have it~~
 191 ~~tested, and provide the test result as required. All work done shall be at the~~
 192 ~~property owner's expense. The applicable cost, interest rate and administrative~~
 193 ~~charges, as amended from time to time in the City Fee Structure attached as~~
 194 ~~Appendix A to this code, shall be set forth in the customer notice.~~

195
 196 ~~(7)~~ (6) If a property owner fails to comply with the ~~written~~ notice provided pursuant to this
 197 ~~as set forth in subsection (c) or (e) above~~, the city will, without further notice, shut
 198 off water service at the property until the cross-connection hazard is eliminated, a
 199 failing backflow preventer is repaired, or a new backflow preventer is installed, and
 200 the utilities department receives passing test results ~~have been received and~~
 201 ~~processed by the city~~. Such shut off ~~shall~~ will not impair the city's right to pursue
 202 other enforcement measures.

203
 204 (f) Residential biennial backflow preventer testing.

205
 206 (1) Any residential property owner who is a water customer ~~shall~~ must have any testable
 207 backflow preventer on their property tested every two years. Backflow preventer
 208 testing ~~shall~~ must be performed by a certified backflow preventer assembly tester or by
 209 a licensed backflow preventer contractor. The residential property owner must provide
 210 the city with written test results dated within 60 days² prior to the test due date,
 211 indicating that each backflow preventer passed the test.

- 213 (2) The city ~~shall~~ will provide at least ~~30~~ thirty and sixty days' advance written notice to the
 214 property owner of the of their backflow preventer testing due date, the testing
 215 requirement, and the reporting requirement. ~~For single family residential properties~~
 216 ~~only, the notice shall include an appointment form for the property owner to complete~~
 217 ~~in order to appoint the city as the property owner's agent for the purposes completing~~
 218 ~~the work described in subsections (5)(c)(ii) and (5)(e)(ii) of this section. If such agency~~
 219 ~~has been previously granted the property owner may also use this form to revoke such~~
 220 ~~appointment. If a property owner appoints the city as agent, such appointment shall~~
 221 ~~remain in effect until revoked by the property owner in writing or cancelled in writing by~~
 222 ~~the city.~~
 223
- 224 ~~(3) If the property owner appoints the city as agent, all work done shall be at the property~~
 225 ~~owner's expense. As an accommodation to the property owner, the applicable cost,~~
 226 ~~interest rate and administrative charges for the work may be prorated over the~~
 227 ~~following 12 months of the water bill in an amount established in the City Fee Structure~~
 228 ~~attached as Appendix A to this code, and as set forth in the biennial customer notice.~~
 229
- 230 ~~(3) (4) If the property owner fails to appoint the city as agent for purposes of inspection and~~
 231 ~~fails to independently obtain inspection of the backflow preventer and provide the~~
 232 ~~city with a written report of a passing test, the results of which are dated within 30~~
 233 ~~sixty days, of the testing due date, the property owner will be provided with a notice~~
 234 ~~of non-compliance and charged the non-compliance fee, and the city will provide~~
 235 ~~notice that water service to the property will be shut off if passing results are not~~
 236 ~~received within time specified in the noncompliance notice. If the utilities~~
 237 ~~department does not receive passing test results are not received by the date~~
 238 ~~specified in the non-compliance notice, the city may, without further notice, shut off~~
 239 ~~water service from to the property until the utilities department receives a passing~~
 240 ~~test result by a properly certified backflow preventer tester has been received by the~~
 241 ~~Utility Department. The water customer will and shall be liable for the shut-off non-~~
 242 ~~compliance fee.~~
 243
- 244 ~~(4) (5) The applicable cost, non-compliance fee, shut-off non-compliance fee, interest rate~~
 245 ~~and administrative charges, as amended from time to time in the City Fee Structure~~
 246 ~~attached as Appendix A to this code, shall will be set forth in the biennial customer~~
 247 ~~notice.~~
 248
- 249 ~~(6) Where it is the city's responsibility to conduct the test, the city may utilize its own~~
 250 ~~employees or use independent contractors.~~
 251
- 252 ~~(5) (7) At a minimum, backflow preventer testers must meet the requirements set forth in~~
 253 ~~AWWA Manual M14, as amended. However, the city may require additional~~
 254 ~~qualifications for backflow testers working under contract with the city, including~~
 255 ~~but not limited to, that backflow preventer testers also be licensed plumbing~~
 256 ~~contractors.~~
 257
- 258 (g) Quinquennial replacement of residential non-testable dual check devices.
 259

- 260 (1) Property owners with a ~~that have~~ non-testable dual check devices shall must have those
 261 that devices replaced every five years by a licensed plumbing contractor. By the
 262 replacement due date, property owners ~~shall~~ must provide the city with a written
 263 certification that a non-testable dual check device was installed in accordance with the
 264 city's requirements provided in the CCCP Manual.
- 265
- 266 (2) The city ~~shall~~ will provide at least sixty and thirty ~~30~~ days' ~~advance written~~ notice ~~to the~~
 267 ~~property owner of the~~ of a device's replacement due date, the replacement
 268 requirement, and the reporting requirement.
- 269
- 270 ~~(3) Within ten days of receiving the notice, a property owner may appoint the city as the~~
 271 ~~property owner's agent for purposes of installing a new non-testable dual check device~~
 272 ~~by completing and returning the appointment form enclosed with the notice or in~~
 273 ~~person at the public utility department office.~~
- 274
- 275 ~~(4) If appointed as the property owner's agent, the city shall have a non-testable dual check~~
 276 ~~device installed at the property and shall provide the replacement verification as~~
 277 ~~required. All work done shall be at the property owner's expense. The applicable cost,~~
 278 ~~interest rate and administrative charges, as amended from time to time in the City Fee~~
 279 ~~Structure attached as Appendix A to this code, shall be set forth in the biennial customer~~
 280 ~~notice. The full cost of the installation, along with any applicable administrative charges,~~
 281 ~~will be placed on the property owner's next water bill and will be payable in full at the~~
 282 ~~time that bill is due. As an accommodation to the property owner, the applicable cost,~~
 283 ~~interest rate and administrative charges for the work may be prorated over the~~
 284 ~~following 12 months of the water bill in an amount established in the City Fee Structure~~
 285 ~~attached as Appendix A to this code, and as set forth in the biennial customer notice.~~
- 286
- 287 ~~(3) (5) If the property owner fails to appoint the city as agent for purposes of replacement~~
 288 ~~and fails to independently provide the city utilities department with a written report~~
 289 ~~of satisfactory replacement of the dual check device by the replacement due date,~~
 290 ~~the city will issue ~~property owner will be~~ a notice of non-compliance with a final~~
 291 ~~deadline for compliance and will charged the non-compliance fee, and the city will~~
 292 ~~provide notice that water service to the property will be shut off if passing results~~
 293 ~~are not received within time specified in the noncompliance notice. If the utilities~~
 294 ~~department does not timely receive a written report of satisfactory replacement of~~
 295 ~~the dual check device passing results are not received by date specified in the~~
 296 ~~noncompliance notice, the city may, without further notice, shut off water service~~
 297 ~~from to the property until a passing test result by a properly certified backflow~~
 298 ~~preventer tester has been received by the Utility Department utilities department~~
 299 ~~receives proof of a satisfactory replacement. and shall.~~
- 300
- 301 ~~(6) Where it is the city's responsibility to install a device, the city may utilize its own~~
 302 ~~employees or use independent contractors.~~
- 303
- 304 ~~(4) (7) At a minimum, backflow preventer installers must meet the requirements set forth~~
 305 ~~in AWWA Manual M14, as amended. However, the city may require additional~~
 306 ~~qualifications for dual check device installation contractors working under contract~~

307 with the city, including but not limited to, that dual check device installers also be
308 licensed plumbing contractor.
309

310 ~~(h) City as owner's agent for testing, installation, repair and replacement of backflow~~
311 ~~preventers. If not performing the work itself, the city shall follow the statutorily required~~
312 ~~procurement process in order to contract with qualified plumbing contractors to perform~~
313 ~~backflow preventer testing, repair, replacement, and new installation, and to carry out any~~
314 ~~other duties assumed by the city when properly appointed by a property owner as their~~
315 ~~agent pursuant to this section.~~
316

317 (h) (i) Identification. All city employees, and vendors contracting with the city, entering onto
318 residential utility easements located on private property for the purpose of performing
319 duties under this article ~~shall~~ must carry on their person photo ID identifying themselves
320 as a city employee or employee of a vendor contracting with the city. All such persons
321 ~~shall~~ must have their vehicles marked with ~~all~~ identification required by the city or Florida
322 law.”
323

324 **SECTION 3 – CONFLICTS**

325
326 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or
327 portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.
328

329 **SECTION 4 – SEVERABILITY**

330
331 4.01 If any section, subsection, sentence, clause, phase, or provision of this ordinance is for any
332 reason held invalid or unconstitutional by any court of competent jurisdiction, such provision
333 shall be deemed a separate, distinct, and independent provision and such holding shall not
334 affect the validity of the remaining portions hereof.
335

336 **SECTION 5 – CODIFICATION**

337
338 5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any
339 additional codification information and notations appear in *italics*. These editorial notations
340 shall not appear in the codified text.
341

342 **SECTION 6 – EFFECTIVE DATE**

343
344 6.01 This ordinance shall take effect immediately after adoption by the City Commission of the City of
345 North Port, Florida.
346

347
348 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public
349 session on the _____ day of _____ 2020.
350

351
352 PASSED and DULY ADOPTED by the City Commission of the City of North Port, on the second and final
353 reading in public session this _____ day of _____ 2020.

CITY OF NORTH PORT, FLORIDA

DEBBIE MCDOWELL
MAYOR

ATTEST

HEATHER TAYLOR, CMC
INTERIM CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY