

ORDINANCE 20-44

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING CROSS CONNECTION BACKFLOW PREVENTION; AMENDING ARTICLE X OF CHAPTER 2-31 OF THE MANATEE COUNTY CODE; ADDING REQUIREMENTS FOR PERSONS WHO OBTAINED WATER SERVICE BEFORE JULY 20, 1987; AUTHORIZING UTILITIES DEPARTMENT TO ADMINISTER REQUIREMENTS IN A CROSS CONNECTION CONTROL MANUAL ADOPTED BY RESOLUTION; SETTING FORTH PROHIBITIONS AND MEANS OF ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County, a political subdivision of the State of Florida, owns and operates the Manatee County public utilities system pursuant to Section 125.01, Florida Statutes (F.S.), Chapters 153 and 159, F.S., and Chapter 63-1598, Laws of Florida, as amended; and

WHEREAS, the Manatee County public utilities system includes a public water system that meets the definition of a community water system, as set forth in Section 403.852(3), F.S., and Rule 62-550.200, Florida Administrative Code (F.A.C.); and

WHEREAS, Article X of Chapter 2-31 of the Manatee County Code implements the County’s Cross Connection Control program required by Chapter 62-555, F.A.C.; and

WHEREAS, Manatee County wishes to simplify Article X of Chapter 2-31 of the Manatee County Code and adopt a Cross Connection Control Manual to remain current with state requirements and to ensure the Cross Connection Control program reflects the County’s current needs; and

WHEREAS, the Board of County Commissioners of Manatee County finds that the provisions of this Ordinance are in the best interests of the County, its citizens, taxpayers and business community.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County:

Section 1. Section 2-31-301 of the Manatee County Code is hereby replaced in its entirety as follows:

Sec. 2-31-301. – Purpose and authority.

- (a) The purpose of this article is to protect the County’s public water system from potential contamination resulting from cross connections and backflow of non-potable water into the

County's public water system by establishing minimum requirements for the control of cross connections and backflow prevention.

- (b) The Federal Safe Drinking Water Act, 42 U.S.C. § 300f et seq., the Florida Safe Drinking Water Act, Part VI of Chapter 403, Florida Statutes, and the rules promulgated by the Florida Department of Environmental Protection thereunder establish that the County has primary responsibility for protecting its public water system and implementing a cross connection control program utilizing backflow protection.

Section 2. Section 2-31-302 of the Manatee County Code is hereby replaced in its entirety as follows:

Sec. 2-31-302. – Applicability.

- (a) This article shall apply to all territory within the County served by the County's public water system.
- (b) This article shall apply to all persons, firms, partnerships, corporations, associations, executors, administrators, trustees, or other legal entities (collectively referred to as "person" or "persons") who apply for or obtain water service or complete or maintain a water service connection to the County's public water system. This includes persons who applied for or obtained such service prior to, as well as after, July 20, 1987.

Section 3. Section 2-31-303 of the Manatee County Code is hereby replaced in its entirety as follows:

Sec. 2-31-303. – Cross Connection Control Manual.

- (a) The specific requirements necessary to implement this article are embodied in the Cross Connection Control Manual. The Cross Connection Control Manual is a policy adopted by the Board of County Commissioners by resolution and incorporated herein by reference and made part of this article. Amendments to the Cross Connection Control Manual shall be adopted by the Board of County Commissioners by resolution.
- (b) It is the intent of the Board of County Commissioners that this article comply with and implement the requirements of Rule 62-555.360, Florida Administrative Code, as may be amended from time to time, which is incorporated by reference.
- (c) It is further the intent of this Board of County Commissioners that this article may be more restrictive than the minimum requirements of Rule 62-555.360, Florida Administrative Code, as may be amended from time to time.
- (d) In the event of a conflict between a provision of the Cross Connection Control Manual and a provision of this article, or any other applicable rule, regulation or statute that applies to the County's public water system, the more restrictive provision shall apply.

Section 4. Section 2-31-304 of the Manatee County Code is hereby replaced in its entirety as follows:

Sec. 2-31-304. – Administration.

The County’s Utilities Department shall administer the requirements of this article, as further specified in the Cross Connection Control Manual.

Section 5. Section 2-31-305 of the Manatee County Code is hereby replaced in its entirety as follows:

Sec. 2-31-305. – Prohibited acts.

- a) No person shall apply for or obtain water service or complete or maintain a water service connection to the County’s public water system that does not comply with the provisions of this article, including the Cross Connection Control Manual.
- b) No person shall create or maintain an actual cross connection to the County’s public water system.
- c) No person shall create or maintain a potential cross connection to the County’s public water system that is not protected by an appropriate backflow prevention assembly in accordance with the Cross Connection Control Manual.
- d) No person shall remove or modify, or cause to be removed or modified, a backflow prevention assembly except in compliance with the provisions of this article and the Cross Connection Control Manual.

Section 6. Sections 2-31-306 through 2-31-308 are hereby repealed in their entirety.

Section 7. Section 2-31-309 of the Manatee County Code is hereby amended as follows:

Sec. 2-31-3096. – Enforcement.

- (a) In situations when the County’s public water system is being contaminated or is in imminent danger of contamination, water service will be immediately discontinued by the County.
- ~~(b) — Violations of this article may be enforced as provided in Chapter 162, Part I, Florida Statutes, and Section 162.21, Florida Statutes.~~
- (b) No water service connection shall be installed at a facility unless the County’s public water system is protected, as required by this article.
- ~~(a)(c)~~ (c) Any violation of this article may be enforced as provided in ~~Section 125.69,~~ Chapter 162, Florida Statutes. In addition, the County may bring a lawsuit for damages for any violation of this article, and may seek to restrain, enjoin, or otherwise prevent a violation of or mandate compliance with this article.
- (d) Backflow prevention assembly service providers who fail to comply with the requirements in the Cross Connection Control Manual may be temporarily removed from the list of

County service providers until compliance is achieved. Uncorrected violations may result in a revocation of Manatee County testing privileges.

- (e) ~~In addition to any other action, failure to correct any cross connection or perform any required testing or complete required repairs of any backflow prevention assembly following written notice to the facility owner by the county may result in completion of the testing or repairs or correction of the cross connection by the County under extraordinary circumstances to prevent backflow of contaminants into the water system. In the event of such action by the County, all appropriate fees and charges established by resolution of the Board will be billed to the facility owner.~~
- (e) After providing written notice to a facility owner, the County may conduct testing or make repairs to a backflow prevention assembly, or take other action to correct a cross-connection when an owner fails to comply with County backflow prevention requirements. In such event, the County may seek reimbursement of County costs or take other legal actions against the owner.

Section 8. Section 2-31-310 of the Manatee County Code is hereby amended as follows:

Sec. 2-31-~~310~~307. – ~~Rates, Fees, and charges.~~

The Board of County Commissioners may adopt by resolution ~~may establish rates, a schedule of fees, and charges for the administration of this article.~~ The County shall be responsible for collecting any ~~rates, fees, or charges established by the Board of County Commissioners in connection with the implementation and maintenance of the Cross Connection Control Program~~ program authorized by this article.

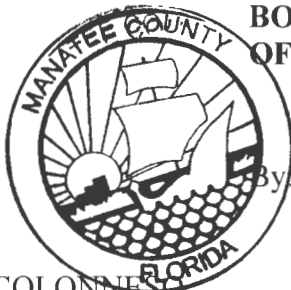
Section 9. The Codifier shall show Sections 2-31-308 through 2-31-310 as reserved for future use.

Section 10. Pursuant to Section 125.68(1), F.S., the Codifier shall codify the substantive amendments to the Manatee County Code contained in Sections 1 through 9 of this Ordinance as provided therein, and shall not codify any other sections not designated for codification.

Section 11. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of County Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 12. This ordinance shall become effective January 1, 2021.

DULY ADOPTED with a quorum present and voting this 27th day of October, 2020.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: [Signature]
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: [Signature]
Deputy Clerk