

# 309

AN ORDINANCE OF THE CITY OF SPRINGFIELD, FLORIDA, FOR THE CONTROL OF BACKFLOW AND CROSS CONNECTIONS WITHIN THE CITY TO PROTECT THE CITY WATER SUPPLY FROM POLLUTION: PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Springfield, Florida, is concerned for the public health and welfare of its residents, and

WHEREAS, in the past, the City of Springfield has had no implementation of backflow and cross connection regulations, and

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Springfield, Florida, as follows:

1. The City Commission of the City of Springfield, Florida, hereby adopts and establishes this ordinance for the control of backflow and cross connection within the city to protect the city water supply from pollution.

2. The City Commission of the City of Springfield, Florida, hereby approves and adopts as part of this ordinance the City of Springfield Cross-Connection Program dated JAN-4/1993, and any amendments hereinafter approved by the City Commission. Said Cross Connection Program may be amended by the City Commission from time to time to protect the health and welfare of the residents, and any amendments shall automatically become part of this ordinance and be enforced in accordance with the enforcement provisions of this ordinance.

3. RESPONSIBILITY OF THE DIRECTOR. The Director, Department of Public Works, or his designated agent, shall inspect the plumbing in every building or premises in this City as frequently as in his judgement may be necessary to ensure that such plumbing has been installed in such a manner as to prevent the possibility of pollution of the water supply of the city by the plumbing. The director shall notify or cause to be notified in writing the owner or authorized agent of the owner of any such building or premises, to correct, within a reasonable time set by the Director, any plumbing installed or existing contrary to or in violation of this ordinance, and which in his judgement, may, therefore, permit the pollution of the city water supply, or otherwise adversely affect the public health.

4. INSPECTION. The Director, or his designated agent, shall have the right of entry into any building, during reasonable hours, for the purpose of making inspection of the plumbing systems installed in such building or premises provided that with respect to the inspection of any single family dwelling, consent to such inspection shall first be obtained from a person of suitable age and discretion therein or in control thereof.

5. MAINTENANCE REQUIREMENTS.

A. General Requirements. It shall be the responsibility of building and premise owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make no piping or other arrangements for the purpose of bypassing backflow devices.

B. Backflow Preventers. Periodic testing and inspection schedules shall be established by the Director for all backflow preventers and the interval between such testing and inspections and overhauls of each device shall be established in accordance with the age and condition of the device. Inspection intervals should not exceed 1 year, and overhaul intervals should not exceed 5 years. These devices should be inspected frequently after the initial installation to assure that they have been installed properly and that debris resulting from the installation has not interfered with the functioning of the device. The testing procedures shall be in accordance with the manufacturer's instructions when approved by the Director.

6. VIOLATIONS AND PENALTIES.

A. Notification of Violation. The Director shall notify the owner, or authorized agent of the owner, of the building or premises in which there is found a violation of this ordinance, of such violation. The Director shall set a reasonable time for the owner to have the violation removed or corrected. Upon failure of the owner to have the defect corrected by the end of the specified time interval the Director may, if in his judgement an imminent health hazard exists, cause the water service to the building or premises to be terminated, and/or recommend such additional fines or penalties to be invoked as herein may be provided.

B. Fines. The owner or authorized agent of the owner responsible for the maintenance of the plumbing systems in the building who knowingly permits a violation to remain uncorrected after the expiration

of time set by the Director shall, upon conviction thereof by the court, be required to pay a fine of not more than \$100 for each violation. Each day of failure to comply with the requirements of the ordinance, after the specified time provided under 6.A., shall constitute a separate violation.

7. ESTABLISHMENT OF APPEALS BOARD.

A. Members of Board; Chairman. The City Commission of the City of Springfield, Florida, shall be designated as the Backflow and Cross Connection Program Appeals Board to decide appeals from any decision, ruling or determination of the inspection by the Director of Public Works or his designated agent. The Mayor shall serve as Chairman of the Appeals Board.

B. Appeals. Any person seeking a variance from the provisions of this ordinance or any person taking exception to and who is uniquely affected by any decision, ruling, requirement, rule, regulation, or order of the inspection agency may appeal to the Board as established by this section. Such appeals shall be made within 15 days after receiving notice of such decision, ruling, requirement, rule, regulation, or order by filing a written notice of appeal directly to the Board specifying the ground thereof and the relief requested. Such an appeal shall act as a stay of the decision, ruling, requirement, rule, regulation or order in question until the Board has taken final action on the appeal, except when the inspection agency has deemed that a high hazard risk is involved. The Board, not less than 30 days after the date of filing an appeal, shall set a date for the hearing and shall give notice thereof by mail to the interested parties.

C. Hearings. Hearings before the Board shall be conducted in the following manner:

1. The chairman of the Board shall act as the hearing examiner to conduct such hearings.
2. Any person making an appeal who is uniquely affected by the action of the inspection agency may appear in person or by agent or attorney and present evidence both written or oral pertinent to the questions and issues involved and may examine and cross-examine witnesses.
3. All testimony shall be under oath and recorded. The Board is authorized to have all the testimony transcribed and a transcript of such testimony, if transcribed, shall be available to the respondents or any

party to the hearing upon payment of the normal fee, which shall not exceed the cost of transcribing such testimony.

4. After due consideration of the written and oral statements, the testimony and arguments submitted at the hearing upon such complaint or upon default in appearance of the respondent on the return date specified in the formal notice of complaint, the Board shall issue and enter such final order or make such final determination as it shall deem appropriate, and shall immediately notify the respondent thereof, in writing, by certified mail. Such order or determination shall be approved by at least a majority of members of the Board. The chairman shall vote only in cases of ties.


5. Upon failure of the Board to enter a final order or determination within 60 days after the final argument of any such hearing, the respondent shall be entitled to treat for all purposes such failure to act as a finding favorable to the respondent.

6. Any person aggrieved by any final order or determination of the Board hereunder may seek judicial review thereof by common law writ of certiorari. No judicial review shall be available until and after all administrative remedies have been exhausted.

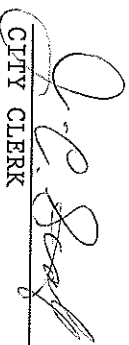
This ordinance shall take effect from and upon its passage and publication as required by law.

PASSED, approved and adopted at this regular meeting of the City Commissioners of the City of Springfield, Florida, this 4 day of JANUARY, 1993.

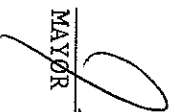
CITY OF SPRINGFIELD

  
MAYOR

ATTEST:

  
CITY CLERK

Approved by me this 4 day of JANUARY, 1993.

  
MAYOR