

ORDINANCE NO 2015-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA, AMENDING AND SUBSTANTIALLY REWRITING CHAPTER 98, ARTICLE IV OF THE DADE CITY CODE OF ORDINANCES REGULATING CROSS- CONNECTION CONTROL DEVICES; PROVIDING FOR AUTHORITY, POLICIES, AND PROCEDURES; PROVIDING FOR ADOPTION BY RESOLUTION OF A CROSS CONNECTION CONTROL PLAN; PROVIDING FOR ENFORCEMENT, APPEALS, AND PENALTIES; PROVIDING FOR REPEALER, CODIFICATION, AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Dade City, Florida owns and operates a public water system through which it provides services to various consumers; and

WHEREAS, improperly protected water systems expose the public potable water supply to contamination and/or pollution which is hazardous to the public health and safety; and

WHEREAS, the regulation or control of cross-connections in Florida is required by the provisions of State law and administrative rule; and

WHEREAS, the adoption of an ordinance requiring installation of cross-connection control devices in certain circumstances is necessary and desirable to protect and promote the public health, safety, and welfare, and is in the best interest of the consumers to whom the City of Dade City, Florida provides water services.

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

SECTION 1. Chapter 98, Article IV, Sections 98-141 through 98-151 of the City of Dade City Code entitled *Cross Connection Control* is hereby substantially amended and reworded as follows:

Sec 98-141. Authority.

The intent of this ordinance is to establish parameters and procedures for eliminating existing cross-connections and preventing future cross-connections within the City of Dade City public water system. The Department of Environmental Protection Rules and Regulations Chapter 62-555.360 and American Water Works Association, M14 provide legal authority for establishing a cross-connection control program.

Sec 98-142. Policy and Procedures.

The policy and procedures for eliminating and preventing cross connections shall be defined by the "*Cross Connection Control Plan (CCCP)*" adopted separately by resolution of the City Commission and as may be amended from time to time The *Cross Connection Control Plan (CCCP)*, as hereinafter amended is hereby incorporated into this ordinance and made a part

hereof.

Sec 98-143. Enforcement and Appeal.

1. The City of Dade City Building Department and/or Engineering and Public Utilities Department is granted authority to inspect any and all water service connections serviced by the City, and to take appropriate action to insure the potable integrity of the system/ backflow device. The City is given the legal right to immediately disconnect any customer from the system if the service is determined by the Public Works Director to constitute a threat to public health or deemed a high-health hazard.
2. Any property owner aggrieved by a determination by the Public Works Director pursuant to this Ordinance, may appeal said determination by filing a petition with the City Commission. Application for appeal from a decision of the Public Works Director shall be filed within thirty (30) days of rendition of the decision.

Sec 98-144. Penalties.

1. **General:** Pursuant to Chapter 162, Florida Statutes, any person who violates any provision of this Ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted, and upon conviction such person shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed sixty (60) days or by both such fine or imprisonment. Each day that the violation continues shall be deemed a separate offense. All costs for enforcement, prosecution, and judicial review shall be assessed against the violator according to the provisions of this Code upon a finding by the Court that the violations have occurred.
2. **Health Hazard Noncompliance:** In addition to penalties set forth in Subparagraph (1) above, if a health hazard involving a backflow device is detected, the service connection shall be immediately disconnected. Water service will not be restored until the proper backflow assembly is subsequently installed and the source of contamination is eliminated to the satisfaction of the Public Works Director.

SECTION 2. Repealer. All ordinances or Code provisions in conflict with this Ordinance including but not limited to former Sections 98-141 through 98-151 of the Dade City Code of Ordinances are hereby repealed.

SECTION 3. Severability. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not effect the validity of the remaining portion.

SECTION 4. Codification. It is the intent of the City Commission that this Ordinance be subsequently codified as Sections 98-141 through 98-144 of the Dade City Code of Ordinances.

SECTION 5. Effective Date. This Ordinance shall take effect as provided by the Dade City Charter.

This Ordinance was read and passed on first reading on the 13 day of October 2015, and read and approved following public hearing on the 27 day of October 2015.

ATTEST:

Angelia Guy
Angelia Guy, City Clerk

CITY OF DADE CITY, FLORIDA

Camille S. Hernandez
Camille S. Hernandez, Mayor

Approved as to Legal Form and Sufficiency

Karl A. Owen
City Attorney