**ORDINANCE NUMBER 2025-02**

**AN ORDINANCE PERTAINING TO UTILITIES WITHIN THE CITY OF NEWBERRY; AMENDING DIVISION 2 AND DIVISION 3 OF ARTICLE VI, CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY OF NEWBERRY PERTAINING TO WATER SYSTEM DEVELOPMENT CHARGES AND SEWER SYSTEM DEVELOPMENT CHARGES; REPEALING ALL ORDINANCES IN CONFLICT AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Newberry is the owner of a municipal utility; and,

**WHEREAS**, Chapter 98 of the City's Code of Ordinances pertains to the rules and regulations associated with the City's utilities; and

**NOW THEREFORE**, BE IT ORDAINED BY THE PEOPLE OF NEWBERRY, FLORIDA, as follows:

**SECTION ONE**: Chapter 98, Article IV of the Newberry Code of Ordinance relating to water system and wastewater services is hereby amended to read as follows (deletions are in ~~strike through~~ and additions are underlined):

### Chapter 98 - UTILITIES

### ARTICLE VI. - WATER AND SEWER RATES AND CHARGES

### DIVISION 1. - GENERALLY

Sec. 98-91. Owner's responsibility for maintenance of water and sewer pipes.

The owner of the property shall be responsible for maintaining and keeping clean the water and sewer pipes leading and connecting from the plumbing system to the city distribution lines and main sewers.

(Code 1977, § 19-10; Ord. No. 1-74, § 12, 3-25-1974)

Sec. 98-92. Failure to maintain sewer pipe.

Failure to keep the sewer pipe, i.e., the pipe leading from the plumbing system to the city main, clean and maintained in a proper manner will give the city the right to cut off the water connection, which shall not be reconnected until the sewer pipe is cleaned and maintained properly. In those instances where the owner has his or her own private water supply, the city shall have the right to cut off such water supply to the plumbing system, and the owner shall have no right to reconnect his or her own private water supply until the sewer pipe leading from the plumbing system to the city main has been maintained and cleaned and in proper condition. Any violation of this provision by reconnecting his or her private water supply or the connection from the city water line, until such sewer pipes are cleaned and maintained properly, shall be considered a violation of this article.

(Code 1977, § 19-11; Ord. No. 1-74, § 15, 3-25-1974)

Sec. 98-93. Sewage facilities required.

No person shall build or remodel or cause to be built or remodeled any structure used for human habitation or occupancy within the city which is within 200 feet of a public sanitary sewer line, unless it is provided with water-carried sewage facilities.

(Code 1977, § 19-12; Ord. No. 1-74, § 7, 3-25-1974)

Sec. 98-94. Separate connection and meter required for each residential unit.

Each residential unit whether occupying one or more lots and whether it shall occupy any lot or parcel jointly with any other residential unit shall be considered a separate unit for the payment of the water fees and the sewage disposal fees, and separate connections and meters will be required for each of such units.

(Code 1977, § 19-13; Ord. No. 1-74, § 17, 3-25-1974)

Sec. 98-95. Interconnection of private water system with city system prohibited; tampering with city water system.

(a) No person shall interconnect a privately owned water system to the city's water or sewer system, or turn on any water service or tap, or make any alteration to any main or distributing pipe of the city's water system, or in any way interfere with, or molest, any of the wells, reservoirs, basins or water in the same, or permit any connection or tapping to be made to the city's water system on his or her premises, or premises occupied by him or her, or to knowingly use city water from unauthorized connections.

(b) No person shall install a private water system or well within the limits of the city without first obtaining a permit for the construction and installation of same from the city.

(Code 1977, § 19-14; Ord. No. 2-78, §§ 1, 2, 5-8-1978)

Sec. 98-96. Permit for private water wells.

(a) *Authorized.* The clerk of the city may issue permits for private water wells or systems within the city, provided such private water wells or systems shall be used for gardening, landscaping or irrigation purposes only and not for human consumption. Such wells shall not be interconnected with the city water or sewer system, pursuant to the provisions of section 98-95.

(b) *Conditions.* Such private water well permits may be issued upon the following:

(1) *Use of well or system.* The applicant certifies in writing that the private water well or system will be used for gardening, landscaping or irrigation purposes only and not for human consumption, or any other purpose;

(2) *Distance from septic tank.* The private water well or system will not be placed within 75 feet of any septic tank or any part of a septic tank system;

(3) *Compliance with regulations.* The applicant complies with all state and local regulations;

(4) *Application fee.* The applicant shall pay a fee in the amount of $25.00 for processing said application to the city.

(Code 1977, § 19-15; Ord. No. 12-84, § 1, 9-10-1984)

Sec. 98-97. Control of backflow and cross connections.

(a) *Purpose; responsibilities.*

(1) *Purpose.* The purposes of this section are as follows:

a. *Protect pollution.* To protect the public potable water supply of the city from the possibility of contamination of pollution by isolating within the customer's internal distribution system(s) such contaminants or pollutants which could backflow into the public water systems; and

b. *Eliminate cross connections.* To promote the elimination of control of existing cross connections, actual or potential, between the customer's in-plant potable water system(s), and non-potable water system(s), plumbing fixtures and industrial piping system(s); and

c. *Cross connection control.* To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

(2) *Responsibilities of city.* The city shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the city, an approved backflow prevention assembly is required (at the customer's water service connection or within the customer's private water system) for the safety of the water system, the designated agent of the city shall give notice in writing to said customer to install such an approved backflow prevention assembly(s) at specific location(s) on his or her premises. The customer's failure or refusal to comply with this section shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

(3) *Responsibilities of plumbing inspector.* The plumbing inspection division of the building department has the responsibility to not only review building plans and inspect plumbing as it is installed, but it has the explicit responsibility of preventing cross connections from being designed and built into the structures within this jurisdiction. Where the review of a building plan suggests or detects the potential for a cross connection being made an integral part of the plumbing system, the plumbing inspector has the responsibility to require such cross connections be either eliminated or provided with an approved backflow prevention assembly in accordance with the plumbing code. The plumbing inspector's responsibility begins at the point of service (the downstream side of the meter) and carries throughout the entire length of the customer's water system. The plumbing inspector shall inquire about the intended use of water at any point where it is suspected that a cross connection might be made or where it is actually called for by the plans. When such a cross connection is discovered, it will be mandatory that suitable, approved backflow prevention assembly be required by the plans and be properly installed, in accordance with the Florida Building Code.

(4) *Tests and repairs to be done by certified backflow assembly technician.* Certified backflow assembly technicians only shall do the testing, maintenance and/or repair or backflow prevention assemblies. The certified technician must tag each double check valve, pressure vacuum breaker, reduce pressure backflow assembly and air gap, showing the serial number of the assembly, date tested and by whom. The technician's license number must also be on this tag. In the case of a customer requiring a commercially available technician, a certified technician is authorized to make the test and report the results of that test to the customer and the city. The Florida Building Code requires a licensed plumber make the actual repair.

(b) *Definitions.* For purposes of this section:

*Approved backflow assembly* means accepted by the state department of health as meeting an applicable specification or as suitable for the proposed use.

*Auxiliary water supply.* Any water supply on or available to the premises other than the city public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another municipality's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids." These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the municipality does not have authority for sanitary control.

*Backflow* means the reversal of the normal flow of water caused by either back-pressure or back-siphonage.

*Backflow prevention assembly* means any assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained in the AWWA guidelines. All backflow prevention assemblies must be approved by the state department of health prior to installation. A listing on these approved backflow prevention assemblies is available from the city.

*Back-pressure* means the flow of water or other liquids, mixtures, or substances under pressure into the distribution pipes of a potable water supply system from any source(s) other than the intended source.

*Back-siphonage* means the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source(s) other than the intended source, caused by the reduction of pressure in the potable water supply system.

*Contamination* means an impairment of the quality of the potable water supply by sewage, industrial fluids, waste, liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

*Cross connection* means any physical connection or arrangement of piping or fixtures between the otherwise separate piping systems, one of which contains potable water and the other non-potable water, or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multiport tubes.

*Cross connection control* means a connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

*Cross containment* means the installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically not feasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of the cross connection (isolation).

*Designated agent.* The person designated to be in charge of the water department of the city is invested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this section.

(c) *Policy and requirements.*

(1) *Policy.*

a. *Protection of water supply; correction of defects.* No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by state laws, regulations, codes, and this section. Service of water to any premises shall be discontinued by the city if a backflow prevention assembly required by this section for control of backflow and cross connections is not installed, tested, and maintained, or it is found that a backflow prevention assembly has been removed or by-passed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

b. *Inspection for hazards.* The customer's system shall be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross connections or other structural or sanitary hazards, including violation of this section, exist. When such a condition becomes known, the city shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition(s) in conformance with the state and city statutes relating to plumbing, water supplies and the regulations adopted pursuant thereto.

c. *Backflow prevention assembly required.* An approved backflow prevention assembly shall be installed on each service line to the customer's water system, at or near the property line or immediately inside the building being served. In all cases, the assembly will be installed before the first branch line leading off the services line, whenever the city deems the protection of the water supply to be in the best interest of the water consumers.

d. *Type of protective assembly.* The type of protective assembly required under subsection (c)(1)c of this section shall depend upon the degree of hazard which exists at the point of cross connection in the AWWA manuals.

e. *Existing assemblies.* All presently installed backflow prevention assemblies which do not meet the requirements of this section, but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under subsection (c)(1)b of this section, be excluded from the requirements of these rules so long as the city is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or requires more than minimum maintenance, or when the city finds that the maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements to this section.

(2) *Requirements.*

a. *Inspections and tests required.* It shall be the duty and responsibility of the customer at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year at the customer's expense. In those instances where the city deems the hazard to be great, it may require certified inspections and tests at a more frequent interval. These inspections and tests shall be performed by a certified backflow assembly technician. It shall be the duty of the city to see that these tests are made according to the regulations set forth by the state department of health.

b. *Installation of assemblies.* Backflow prevention assemblies shall be installed in water supply lines to provide at least the degree of protection stipulated in the AWWA guidelines. All backflow prevention assemblies shall be exposed for easy observation and be readily accessible.

c. *Condition of assemblies.* All backflow prevention assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the person or persons having control of such assemblies. Upon inspection, any assembly found to be defective or inoperative shall be replaced or repaired. No assembly shall be removed from use, relocated, or another assembly substituted, without the approval of the city.

d. *Test following installation.* All backflow prevention assemblies shall be tested within ten working days of initial installation.

e. *Safety hazards.* No backflow prevention assembly shall be installed so as to create a safety hazard (example: installed over or on an electrical panel, steam pipes, boilers, pits, or above ceiling level).

(3) *Adoption of the cross connection control plan*. There is hereby adopted the policy and procedure of the cross connection control plan (version 1) dated October 1, 2018, and as may be amended from time to time.

(Code 1977, § 19-16; Ord. No. 3-96, § 1, 3-25-1996; Ord. No. 2018-18, § 1, 1-28-2019)

State law reference(s)—Florida Building Code, F.S. § 553.70 et seq.

Sec. 98-98. Water and Wastewater rates.

The City shall maintain water and wastewater rates and charges for services furnished by the Water and Wastewater System which is sufficient to provide, in each Fiscal Year, pledged revenue equal to or exceeding 1.15 times the sum of the City’s water and wastewater debt. In addition, the City shall satisfy the coverage requirements of all senior and parity debt obligations.

Sec. 98-98. Maintenance of the Water and Wastewater System.

The City shall operate and maintain the water and wastewater system in a proper, sound, and economical manner and shall make repairs, renewals, and replacements.

**Secs. 98-~~98~~100—98-120. Reserved.**

SECTION 2. INCLUSION IN THE CODE.

It is the intention of the City Commission of the City of Newberry, Florida, and it is hereby

provided that the provisions of this Ordinance shall become and be made a part of the Code of

Ordinances of the City of Newberry, Florida; that the sections of this Ordinance may be

renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article" or

other appropriate designation to accomplish such intention.

**SECTION 3. REPEALING CLAUSE.**

All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent they conflict

with this Ordinance, repealed.

**SECTION 4. PROVIDING FOR SEVERABILITY.**

It is the declared intent of the Newberry City Commission that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this Ordinance and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed to be valid.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall be effective immediately upon passage.

**DONE THE FIRST READING**, by the City Commission of the City of Newberry, Florida, at a regular meeting, this 27th day of January 2025.

**DONE, THE PUBLIC NOTICE**, in a newspaper of general circulation in the City of Newberry, Florida, by the City Clerk of the City of Newberry, Florida on the 10th day of February, 2025.

**DONE THE SECOND READING, AND ADOPTED ON FINAL PASSAGE**, by an affirmative vote of a majority of a quorum present of the City Commission of the City of Newberry, Florida, at a regular meeting, this 10th day of February, 2025.

BY THE MAYOR OF THE CITY

OF NEWBERRY, FLORIDA

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Honorable Jordan Marlowe, Mayor

ATTEST, BY THE CLERK OF THE

CITY COMMISSION OF THE CITY OF

NEWBERRY, FLORID�:

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Judy S. Rice, City Clerk

APPROVED AS TO FORM AND

LEGALITY:

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City Attorney’s Office