

DRAFT
08/10/17

ORDINANCE NO. 2017-_____

AN ORDINANCE PERTAINING TO WATER AND
WASTEWATER SERVICE IN ORANGE COUNTY,
FLORIDA; AMENDING ORANGE COUNTY CODE
CHAPTER 37, ARTICLE I, ENTITLED ORANGE COUNTY
WATER, WASTEWATER AND RECLAIMED WATER
SERVICE RULES; ARTICLE III, ENTITLED WATER
WELLS; ADDRESSING CONFLICTS BETWEEN
ORDINANCES; AND PROVIDING FOR AN EFFECTIVE
DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
ORANGE COUNTY:

Section 1. The Orange County Code, Chapter 37, Water and Wastewater, is hereby
amended in part by revising Article I, Orange County Water, Wastewater and Reclaimed Water
Service Rules and Article III, Water Wells, with such amendments being indicated below in
Sections 2 through 5 with the new text being underlined and the deleted text being struck
through.

Section 2. Orange County Code Chapter 37, Article I, Section 37-2 is hereby
amended in part to read as follows:

Sec. 37-2. Definitions.

The following words, terms and phrases, when used in this
article, shall have the meanings ascribed to them in this section,
except where the context clearly indicates a different meaning:

* * *

Backflow shall mean a hydraulic condition, caused by
differences in pressure, that may cause non-potable water or
another substance to flow into a potable water system.

Backflow preventer shall mean an assembly, device or
method that prevents backflow.

36 ~~Board shall mean the board of county commissioners of~~
37 ~~Orange County, Florida.~~

38 *Capacity maintenance fee (formerly known as revenue and*
39 *maintenance fee)* shall mean certain fees assessed, levied or
40 charged by the board to recover the fixed cost associated with
41 maintaining capacity to serve the potential demands of the utility
42 systems' customers, independent of actual usage. Capacity
43 maintenance fees are charged, at the time specified in this article,
44 to those entities that have paid capital charges but have not yet
45 connected to the system, and are not yet paying a fixed monthly
46 charge for use of capacity in the system.

47 *Capital charge* shall mean certain fees or charges assessed,
48 levied or charged by the board to obtain, finance or recover the
49 capital costs of the water or wastewater systems. See also "water
50 capital charge" and "wastewater capital charge."

51 *Connection fees* shall mean those fees and charges
52 established by the board and collected by Orange County Utilities
53 (OCU) at or before the issuance of building permits to pay for or
54 recover the costs of connection to the utility system, including, but
55 not limited to, capital charges, meter fees, meter installation fees,
56 and administrative fees and deposits, as set forth or amended from
57 time to time by the board.

58 ~~County shall mean Orange County, a political subdivision of~~
59 ~~and Charter County within the State of Florida whose governing~~
60 ~~body is the board.~~

61 *County rate resolutions and ordinances* shall mean all
62 resolutions and ordinances, either currently in effect or adopted in
63 the future, by the board or its successors, which establish and
64 revise rates, fees, and charges for the county water, wastewater and
65 reclaimed water systems.

66 *Cross connection* shall mean any unapproved or unprotected
67 actual or potential connection or structural arrangement between
68 the OCU water system or a customer's potable water system and
69 any other source or system through which it is possible to
70 introduce into any part of the potable water system any substance
71 other than the intended potable water with which the system is
72 supplied. Bypass arrangements, jumper connections, removable
73 sections, swivel or changeover assemblies, or any other temporary
74 or permanent connecting arrangements through which, or because
of which, backflow can or may occur, are considered to be cross

connections. Cross connection shall only be authorized if approved in advance by the director.

Cross Connection Control Program shall mean the policies and requirements for managing backflow preventers and connections to the water systems that all connections must follow related to prevention and control of cross connections in the water system as specified and periodically updated by the Florida Department of Environmental Protection, Orange County Utilities Standards and Construction Specifications Manual, and the Orange County Utilities Cross Connection Control Manual.

Customer shall mean any person, property owner, corporation, government entity, homeowners association, or other entity that receives water, wastewater, or reclaimed water services from OCU or benefits directly from services rendered by OCU, including the actual user of the water, wastewater, or reclaimed water services.

Degree of hazard shall mean the actual contamination or potential threat of contamination to the public water system or the customer's potable water system related to cross connections to the public water system.

* * *

Orange County Utilities Standards and Construction Specifications Manual shall mean the document by that title approved by the board identifying the minimum design standards and specifications, and review, approval and acceptance procedures to be used for the construction of water, wastewater and reclaimed water systems that will be maintained and operated by OCU. The manual applies to private development projects containing utility systems that will be dedicated to the county for operation and maintenance.

OCU shall mean the Orange County Utilities Department.

Person shall mean an individual, partnership, or association, the State of Florida or any agency or institution thereof, the United States or any agency or institution thereof, or any municipality, political subdivision, public or private corporation, or other entity and includes any officer or governing or managing body of the State of Florida, the United States, any agency, any municipality, political subdivision, or public or private corporation.

Potable water shall mean any water which, according to recognized standards, is safe for human consumption.

Potable water service shall mean the provision of potable water from the county potable water system for use by a customer.

Potable water system shall mean all facilities and interests in real and personal property owned, operated, managed or controlled by the county, now and in the future, and used to provide potable water service to existing and future customers.

PSC shall mean the Florida Public Service Commission as defined in Florida Statutes.

Reclaimed water shall mean highly treated wastewater or other water sources meeting the requirements of Chapter 62-610, F.A.C., and which is suitable for direct, nonpotable, beneficial reuse.

Reclaimed water service shall mean the provision of reclaimed water from the county reclaimed water system for use by a customer.

Reclaimed water system shall mean all facilities and interests in real and personal property owned, operated, managed or controlled by the county, now and in the future, and used to provide reclaimed water service to existing and future customers.

Residential Cross Connection Control Program shall mean that portion of the Cross Connection Control Program established by OCU for testing and maintenance of backflow preventers applicable to all residential customers who have an individually metered potable water connection and who are required to have a backflow preventer per the Cross Connection Control Program.

* * *

Section 3. Orange County Code Chapter 37, Article I, Section 37-3 is hereby amended in part to read as follows:

Sec. 37-3. General.

(a) *Water service, wastewater service, and reclaimed water service provided by the county; county service area.*

(1) The county has the authority, as specified in Florida Statutes and Special Acts, and the Orange County Comprehensive Plan, to provide water, wastewater and reclaimed water services. The county hereby designates all unincorporated areas of the county and those areas within municipalities served or planned to be served by the county under the terms of an

152 agreement, as the Orange County service area for the provision of
154 water, wastewater and reclaimed water services, except for
unincorporated areas of the county that are served by a
156 municipality under the terms of a territorial agreement, or are
within a PSC certificated utility's service area.

158 (2) The county has the authority to construct,
purchase, accept, reconstruct, own, operate, maintain and control
160 all aspects of the water, wastewater and reclaimed water systems
as necessary to provide water, wastewater and reclaimed water
services to its customers. Connections to and extensions of the
162 utility system shall be in accordance with the Orange County Land
Development Code and the Orange County Comprehensive Plan.

164 (3) The board has determined that the beneficial
use of reclaimed water is necessary and in the best interests of the
166 citizens of the county. It is intended that this article will
accomplish the objectives of providing for the safe and beneficial
168 use of reclaimed water to protect the environment and conserve
Florida's limited potable water supplies.

170 (b) *Rates, fees and charges; discontinuance of service*
for nonpayment. The board has the authority under Florida Statutes
172 to establish and collect rates, fees and other charges for water,
wastewater and reclaimed water services provided by the county,
174 and to establish and collect charges and fees for making connection
to the water, wastewater and reclaimed water systems. The board
176 has established and may modify such rates, fees and charges by
resolution of the board.

178 Utility services may be discontinued for nonpayment of
bills in accordance with county administrative regulations, bond
180 covenants and F.S. § 153.12. Where the county is the provider of
wastewater service, but is not the provider of water service, the
182 county may, in accordance with the requirements of F.S. § 153.12,
shut off water service to premises for nonpayment of wastewater
184 services.

186 (c) *Lien for charges.* In the event that the rates, fees or
charges for the services and facilities of the county water,
wastewater and/or reclaimed water system are not paid when due,
188 any unpaid balance thereof and all interest accruing thereon shall
be a lien on any parcel or property affected thereby. Such liens
190 shall be superior and paramount to the interest on such parcel or
property of any owner, lessee, tenant, mortgagee, or other person
except the lien of county taxes. In the event that any such rates,
192 fees or charges are not paid when due, the unpaid balance thereof

194 and all interest accrued thereon, together with attorney's fees and
196 costs, may be recovered by the county in a civil action, and any
such lien and accrued interest may be foreclosed or otherwise
enforced by the county in a civil action or suit in equity.

198 (d) *Rules, regulations, and policies.* The board may
adopt rules, administrative regulations and policies as necessary to
200 effectively implement the intent of this article, and to effectively
and efficiently provide water, wastewater and reclaimed water
202 services. The director shall have the authority to establish, modify,
implement and enforce processes and procedures necessary to
204 effectively and efficiently provide water, wastewater and reclaimed
water services in accordance with the provisions of this article.

206 (e) *Agreements.* The board has the authority to enter
into agreements with developers or other entities addressing
208 specific requirements for constructing improvements to, extending,
oversizing, or connecting to the OCU water, wastewater and
210 reclaimed water systems.

(f) *Special assessments.* The county may provide for
212 the construction or reconstruction of water, wastewater or
reclaimed water systems and may levy special assessments upon
214 benefited property pursuant to this code of ordinances or state law.

(g) *Collection of utility service fees and charges by
216 outside billing services.* The board has the authority to enter into
contracts with public or private parties, and to authorize such
218 parties as its agent to provide billing services and to collect
charges, fees and deposits on the county's behalf.

220 (h) *No tampering or unauthorized connections allowed.*
For the purpose of this article, "tampering" shall include, but is not
222 limited to, opening or closing of valves; causing water, wastewater,
or reclaimed water to flow from or into the utility system;
224 introducing unauthorized substances into the utility system;
performing unauthorized work on the utility system; constructing
226 unauthorized extensions, alterations, connecting to or
disconnecting from the utility system; altering meters; removing or
228 altering backflow preventers; engaging in unauthorized sale, use or
disposition of utility services, or in any way injuring or otherwise
230 interfering with the utility system.

It shall be unlawful for any person to tamper with the
232 water, wastewater or reclaimed water systems.

Any person or entity tampering with OCU's utility system may be subject to charges, fees or fines as specified in county ordinances, administrative regulations, state law, or federal law. Any person or entity tampering with the utility system may be subject to immediate discontinuance of service.

Any person or entity tampering with the utility system shall be required to reimburse the county for any expenses incurred by the county as the result of such tampering or damage to county property, including, but not limited to, administrative costs, costs to physically correct the tampering, damages to the utility system resulting from the tampering, testing, inspections, attorney's fees, collection costs and court costs. In addition, tampering may result in appropriate criminal prosecution by the county. Any person or entity responsible for tampering with the utility system for the purpose of obtaining unauthorized services shall be billed for costs incurred to OCU for services used or imputed to be used, and if such sum is not paid within forty-five (45) days, the property affected thereby may be assessed for presumed use of services and related fees and charges.

* * *

Section 4. Orange County Code Chapter 37, Article I, Section 37-6 is hereby amended in part to read as follows:

Sec. 37-6. Physical connection to the water, wastewater and reclaimed water systems; use of water, wastewater and reclaimed water systems.

* * *

(b) Responsibility for water and reclaimed water service lines and wastewater laterals; construction of service lines and laterals; connection of service lines and laterals to the OCU utility system.

(1) It is the applicant's responsibility to properly install water service lines, reclaimed water service lines, and wastewater laterals on the applicant's property at no cost to the county and to connect such service lines and/or wastewater laterals to the utility system in accordance with the Orange County Utilities Standards and Construction Specifications Manual, Orange County Utilities Cross Connection Control Manual, Orange County Building Code, Orange County Plumbing Code, and all other applicable codes and regulations. The applicant is responsible for obtaining all necessary permits. To undertake any

such construction, the applicant shall make application in a form acceptable to the county. The application shall be supplemented by any plans, specifications or other information considered pertinent by the county. The applicant shall be responsible for paying all applicable fees and charges prior to connection. Fees and charges include building permit fees, connection fees, meter set fees, capital charges, and other fees and charges for water, wastewater and reclaimed water services as established by the board by resolution or ordinance. No building shall be approved for use and/or occupancy until the connection fees are paid and the connection has been inspected and approved by OCU.

(2) All work required for the installation of service lines or wastewater laterals shall be performed by a properly licensed plumber, general contractor or underground utility contractor, as appropriate, for the nature of the work being performed.

(3) The applicant shall notify the county when installed service lines or laterals are ready for inspection and connection to the OCU utility system. Notice of the proposed connection shall be given to OCU in accordance with the Orange County Utilities Standards and Construction Specifications Manual.

(4) Responsibility for maintenance of service lines or wastewater laterals on private property shall remain with the property owner. Responsibility of OCU for operation, maintenance, service and/or repairs of the service lines or building wastewater lateral shall terminate at the nearest property or easement line of the owner so served.

(5) No unauthorized person shall uncover, make any connections with or openings into, use, alter, or otherwise disturb any part of the utility system without obtaining a permit from the county or written permission from OCU prior to commencement of said activities.

(6) Trench excavation, pipe placement, jointing, testing and backfilling the trench shall be done in accordance with all applicable building and plumbing codes and the Orange County Utilities Standards and Construction Specifications Manual. All excavations shall conform to Federal Occupational Safety and Health Administration standards and shall be adequately guarded with barricades and caution lights to protect the public from hazards. Any deviation(s) from the prescribed construction materials or procedures shall be approved in writing by OCU prior

318 to commencement of construction related activities. Streets,
sidewalks, parkways and other public property disturbed in the
320 course of the work shall be restored in a manner satisfactory to the
county.

322 (7) A separate and independent building
wastewater lateral shall be provided for every building, except
324 where one (1) building stands at the rear of another on an interior
lot and no private wastewater lateral is available or can be
326 constructed to the rear building through an adjoining alley,
courtyard or driveway. The building wastewater lateral from the
328 front building may be extended to the rear building and the whole
may be considered as one (1) building wastewater lateral. In such
330 cases, the property owner shall execute an agreement, as
prescribed by the county, granting an easement for the continued
332 joint use of the building wastewater lateral to the rear building in
the event that the two (2) structures are ever sold separately. Such
334 agreement shall be recorded in the public records, and shall be a
condition for approval of the building wastewater lateral by the
county.

336 (8) Wherever possible, the building wastewater
lateral shall be installed at an elevation below the lowest floor of
338 the structure. If the building drain is below the grade of the OCU
wastewater main, prohibiting gravity flow in the building
340 wastewater lateral, then the wastewater shall be lifted with an
approved pumping system to allow gravity flow through the
342 wastewater lateral to the OCU wastewater main.

344 (9) Existing building wastewater laterals may be
used in connection with new buildings only when they are found
on examination and testing, as may be required by OCU, to meet
346 all requirements of this article, the Orange County Building Code
and other county design, construction and engineering criteria. If
348 the lateral is not suitable, the property owner shall be responsible
for installing the necessary building wastewater lateral(s) to
350 adequately serve the site.

352 (10) The owner shall indemnify the county from
any loss or damage that may be directly or indirectly caused by the
connection of the building wastewater lateral. The physical
354 connection of the building wastewater lateral at and directly into
OCU wastewater system shall be made under the direct
356 supervision of an authorized representative of OCU.

358 (11) No person shall make connection of roof
downspouts, exterior foundation drains, areaway drains, or other

360 sources of surface water runoff or groundwater to a building drain
362 or wastewater lateral which in turn is connected directly or
indirectly to the wastewater system, unless such connection has
been previously approved in writing by OCU.

364 (12) The county shall have the right to inspect
water and reclaimed water service lines, ~~and~~ wastewater laterals,
366 and backflow preventers, and to cause discontinuance of potable
water, reclaimed water, and/or wastewater service to any property
368 where the plumbing is not maintained in a sanitary and effective
operating condition, or if the utility system may be harmed
thereby.

370 (13) All properties served by OCU shall comply
372 with the cross connection control installation, inspection, testing,
and maintenance provisions established by the Cross Connection
Control Program.

374 a. As a condition of service, authorized
376 representatives of OCU shall be granted access to any property
served by OCU potable water or reclaimed water system for the
378 purpose of determining the degree of hazard to the potable water
supply associated with existing or potential cross connections.
380 Refusal of access shall be cause for discontinuing potable water
service and/or reclaimed water service.

382 b. Backflow preventers attached to the
384 potable water system shall be tested and maintained in accordance
with the Cross Connection Control Program. Except for properties
386 subject to the Residential Cross Connection Control Program,
testing, maintenance, repair, and replacement of backflow
preventers, and reporting of backflow preventer status shall be
performed by the owner of the device or assembly.

388 c. OCU shall be responsible for testing,
390 maintenance, repair, and replacement of backflow preventers
required for all properties subject to the Residential Cross
392 Connection Control Program. All properties subject to the
Residential Cross Connection Control Program shall be required to
394 participate in this program and are subject to associated fees or
charges established by the county and changed from time to time
396 by resolution of the board. The owner of any property subject to
this program shall ensure that the device is accessible to the
398 representatives of OCU for the purposes stated herein. Failure to
provide access to the device shall be cause for discontinuing
400 potable water service and/or reclaimed water service until access to
the device is resolved to the satisfaction of OCU.

(1314) Pretreatment or flow-equalizing facilities, including oil and grease management devices, shall be operated and maintained continuously and in satisfactory condition by the property owner or the user at no expense to OCU, and shall be permitted and operated in accordance with article XX of this chapter.

(1415) Service lines and laterals shall be constructed entirely on the parcel that they are providing service to and shall not cross other parcels or private property unless approved by the director. In such cases, the property owner of the parcel receiving service shall provide an easement, as prescribed by the county, granting the continued joint use of the property on which the service lines or laterals lie for purposes of providing continued utility service and maintenance of the service lines and laterals by the owner of the parcel receiving service. Such agreement shall be recorded in the public records, and shall be a condition for approval of the building wastewater lateral by the county. All maintenance of such service lines and laterals on private property shall be performed and paid for by the owner of the parcel receiving service.

(c) *Construction in accordance with Orange County Utilities Standards and Construction Specifications Manual.* All water, wastewater and reclaimed water systems and facilities shall be designed and constructed in accordance with the Orange County Utilities Standards and Construction Specifications Manual, and the Orange County Utilities Cross Connection Control Manual, and applicable local, state and federal standards, specifications and regulations.

(d) *Ownership.* All water, wastewater and reclaimed water facilities constructed by an applicant in public easement or right-of-way shall be conveyed to the county for operation and maintenance in accordance with county policies, unless designated otherwise on approved construction plans and right-of-way utilization permits. When authorized as part of the development approval process, private system extensions shall remain the property of the applicant up to the point of connection to the county utility system. For properties that become subject to the Residential Cross Connection Control Program after January 1, 2018, ownership of the backflow preventer supplied and installed by or on behalf of the property owner shall transfer to OCU after inspection, testing, and acceptance by OCU. For properties served by OCU, and subject to the Residential Cross Connection Control Program on January 1, 2018, the property owner shall retain ownership of the existing backflow preventer. On property subject

446 to the Residential Cross Connection Control Program on January 1,
448 2018, if and when a privately-owned backflow preventer requires
replacement, or if no backflow preventer exists, OCU will install
450 and assume ownership of a new backflow preventer consistent
with the placement and configuration as established by the Orange
County Utilities Standards and Construction Specifications and/or
the Orange County Utilities Cross Connection Control Manual.

452 * * *

454 (f) *Use of OCU water services.* All uses of water
provided by OCU shall be in accordance with all provisions of this
456 chapter. A customer shall not create or cause a cross connection
between the water system (or mains or service lines located on
458 private property) and any other water supply system, wastewater
system, or reclaimed water system. A customer shall not create or
460 cause a cross connection between the water system (or mains or
service lines located on private property) and any device,
462 appurtenance or material which has the potential to contaminate
the water system. All uses of water provided by OCU shall be in
464 accordance with the ~~OCU~~Orange County Utilities Cross
Connection Control Manual. The presence of a cross connection on
466 a customer's property shall constitute a violation of this article and
shall be grounds for immediate discontinuance of potable water
468 service and/or reclaimed water service to the customer's premises.
Any tampering with or bypassing of a backflow preventer shall be
470 grounds for immediate discontinuance of potable water service
and/or reclaimed water service. Service shall not be resumed until
472 conditions at the property have been corrected to the satisfaction of
OCU.

474 The customer shall be responsible for maintaining all service
lines, mains and appurtenances located on private property in
476 accordance with section 37-6(b) and all applicable state and local
standards, and shall operate and maintain such service lines, mains
478 and appurtenances in such a manner as to prevent damage to or
contamination of the OCU water ~~system~~systems. Notwithstanding
480 the foregoing, beginning January 1, 2018, all residential customers
with an individually metered potable water connection requiring a
482 backflow preventer shall be required to participate in the
Residential Cross Connection Control Program.

484 * * *

486 **Section 5.** Orange County Code Chapter 37, Article III, Section 37-121, is hereby

488 amended in part to read as follows:

490 **Sec. 37-121. Well construction and repair.**

492 (a) *Policy.* The board of county commissioners' policy
is to insure that all wells drilled within the county shall be so
494 constructed, maintained and used that the groundwater resources of
the county are protected from overdevelopment, contamination and
waste.

496 * * *

498 (e) *Water well construction and pump installation.*
Water wells shall be:

500 (1) Surrounded by an area which can be kept in
a sanitary condition.

502 (2) Adequate in size, design and development to
obtain as much of the desired yield as the aquifer may be capable
of furnishing and constructed in such a manner as to maintain,
504 insofar as practicable existing natural protection against pollution
of water-bearing formation and to exclude pollutants from known
506 sources.

508 The pumping equipment shall be installed so that
the pump and its surroundings can be kept in a sanitary condition,
have a capacity consistent with the water needs, be durable and
510 reliable in character, be constructed of material which will not
create a toxic condition in the water and provide reasonable
512 protection against entrance of pollution. For all properties provided
potable water service by OCU, the well owner shall be required to
514 install a backflow preventer assembly at the potable water meter to
protect the potable water system in case of a cross connection in
516 accordance with the Cross Connection Control Program.

* * *

518 **Section 6. Conflict.** All other county ordinances, resolutions, and other parts of the
county code of ordinances that are inconsistent or conflicting with any part of this Ordinance are
520 hereby repealed to the extent of such conflict or inconsistency.

Section 7. Effective Date. This Ordinance shall become effective on January 1,

2018.

ADOPTED this ____ day of _____, 2017

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Teresa Jacobs
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk