

BCC Mtg. Date: August 29, 2017

EFFECTIVE DATE: Jan. 01, 2018

ORDINANCE NO. 2017-16

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:

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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.

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

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

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

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

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

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

Cross connection shall mean any unapproved or unprotected actual or potential connection or structural arrangement between the OCU water system or a customer's potable water system and any other source or system through which it is possible to introduce into any part of the potable water system any substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover assemblies, or any other temporary 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 agreement, as the Orange County service area for the provision of water, wastewater and reclaimed water services, except for unincorporated areas of the county that are served by a

municipality under the terms of a territorial agreement, or are within a PSC certificated utility's service area.

(2) The county has the authority to construct, purchase, accept, reconstruct, own, operate, maintain and control 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 utility system shall be in accordance with the Orange County Land Development Code and the Orange County Comprehensive Plan.

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

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

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

(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, any unpaid balance thereof and all interest accruing thereon shall be a lien on any parcel or property affected thereby. Such liens 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, fees or charges are not paid when due, the unpaid balance thereof and all interest accrued thereon, together with attorney's fees and 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.

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

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

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

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

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

It shall be unlawful for any person to tamper with the 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.

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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, ~~and~~ 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 to commencement of construction related activities. Streets, sidewalks, parkways and other public property disturbed in the

course of the work shall be restored in a manner satisfactory to the county.

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

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

(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 all requirements of this article, the Orange County Building Code and other county design, construction and engineering criteria. If the lateral is not suitable, the property owner shall be responsible for installing the necessary building wastewater lateral(s) to adequately serve the site.

(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 connection of the building wastewater lateral at and directly into OCU wastewater system shall be made under the direct supervision of an authorized representative of OCU.

(11) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface water runoff or groundwater to a building drain 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.

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

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

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

b. Backflow preventers attached to the potable water system shall be tested and maintained in accordance with the Cross Connection Control Program. Except for properties 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.

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

to the Residential Cross Connection Control Program on January 1, 2018, if and when a privately-owned backflow preventer requires replacement, or if no backflow preventer exists, OCU will install 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.

* * *

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

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

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Section 5. Orange County Code Chapter 37, Article III, Section 37-121, is hereby amended in part to read as follows:

Sec. 37-121. Well construction and repair.

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

* * *

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

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

(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, insofar as practicable existing natural protection against pollution of water-bearing formation and to exclude pollutants from known sources.

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 reliable in character, be constructed of material which will not create a toxic condition in the water and provide reasonable protection against entrance of pollution. For all properties provided potable water service by OCU, the well owner shall be required to install a backflow preventer assembly at the potable water meter to protect the potable water system in case of a cross connection in accordance with the Cross Connection Control Program.

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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 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 AUG 29 2017, 2017



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs
Orange County Mayor

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

By: *Phil Diamond*
Deputy Clerk