

Chapter 19

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***Cross references**—Buildings and building regulations, ch. 6; mobile homes and mobile home parks, ch. 12; solid waste, ch. 16.

State law references—Municipal public works, F.S. ch. 180; limitations on utility liens, F.S. § 180.135; public utilities, F.S. chs. 366, 367; water shortages, F.S. § 373.145; water wells, F.S. § 373.203 et seq.; sanitary regulations, F.S. § 381.261; drinking water regulations, F.S. § 403.850 et seq.

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ARTICLE I. IN GENERAL

Secs. 19-1—19-25. Reserved.

ARTICLE II. SEWERS AND SEWAGE DISPOSAL**Sec. 19-26. 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:

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Industrial wastes means the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

Manager means the town manager of the town, or his authorized deputy, agent or representative.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Person means any individual, firm, company, association, society, corporation or group.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public sewer means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

Sanitary sewer means a sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be present.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewage works means all facilities for collecting, pumping, treating and disposing of sewage.

Sewer means a pipe or conduit for carrying sewage.

Shall is mandatory; *may* is permissive.

Slug means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

Storm drain (sometimes termed "storm sewer") means a sewer which carries stormwater and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Suspended solids means solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

(Code 1980, § 21-16)

Sec. 19-27. Penalty for violation of article.

Any person, firm or corporation violating the provisions of this article shall, upon conviction thereof, for each such offense, be subject to the general penalty as provided in section 1-9 of this Code.

(Code 1980, § 21-24)

Sec. 19-28. Powers and authority of inspectors.

(a) The manager and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, testing, repairs, and mandated replacement in accordance with the provisions of this article. The manager or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in subsection (a) of this section, the manager or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the town employees, and the town shall indemnify the company against loss or damages to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 19-32(h).

(c) The manager and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on such easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Code 1980, § 21-22)

Sec. 19-29. Use of public sewers required.

(a) *Unlawful deposits on town property.* It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage or other objectionable waste.

(b) *Unlawful to discharge sewage or polluted waters within town; exception.* It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of the town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(c) *Construction of privies, etc., prohibited; no septic tanks within 200 feet of sewer line.* Except as provided elsewhere in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. No septic tank shall be constructed within 200 feet of the sewer line.

(d) *Property owners to install toilet facilities.* The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the town, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this article, within 90 days after the date of official notice to do so, provided that the public sewer is within 200 feet of the property line.

(e) *Persons not to cross private property.* This article shall not be construed to require or entitle any person to cross the private property of another to make any such sewer connection.

(f) *Authority of manager when owner fails to make required connections; recovery of costs.* If any such owner of any lot or parcel of land within the town shall fail and refuse to connect with and use the facilities of the sewer system of the town after notification by the town clerk, then the manager shall be authorized to make such connections, entering on or upon any such lot or parcel of land for the purpose of making such connection. The town shall thereupon be entitled to recover the cost of making such connection, together with reasonable penalties and interest and attorney's fees, by suit in any court of competent jurisdiction. In addition and as an alternative means of collecting such costs of making such connections, the town shall have a lien on such lot or parcel of land for such cost, which lien shall be of equal dignity with the lien of state and county and municipal taxes. Such lien may be foreclosed by the town in the same manner provided by the laws of the state for the foreclosure of mortgages upon real estate.

(Code 1980, § 21-17)

Sec. 19-30. Private sewage disposal.

(a) *When applicable.* Where a public sanitary or combined sewer is not available under the provisions of subsection 19-29(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(b) *Permit required; application; fee.* Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the manager. The application for such permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the manager. A permit and inspection fee, on file in the town clerk's office, shall be paid to the town at the time the application is filed.

(c) *Permit effective upon satisfactory inspection by manager.* A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the manager. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the manager when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the manager.

(d) *Compliance with state public health department; lot area requirement; discharge to natural outlet.* The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the state department of public health. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) *Use of public sewer when possible.* At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in subsection (d) of this section, a direct connection shall be made to the public sewer in compliance with this article

and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(f) *Owner to maintain facilities in sanitary condition.* The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(g) *Health officer may impose additional requirements.* No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer.

(h) *Connection of building sewer within 60 days to public sewer, when available.* When a public sewer becomes available, the building sewer shall be connected to the public sewer within 60 days, and the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt.

(Code 1980, § 21-18)

Sec. 19-31. Building sewers and connections.

(a) *Permit required.* No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the manager.

(b) *Two classes of permits; application; fees.* There shall be two classes of building sewer permits:

- (1) For residential and commercial service; and
- (2) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the manager. A permit and inspection fee, on file in the town clerk's office, for a residential, commercial or industrial building sewer permit shall be paid to the town at the time the application is filed.

(c) *Costs to be borne by owner.* All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) *Separate sewers required; exception.* A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(e) *Connection of old plumbing.* Whenever it is desirable to connect old plumbing with the town sewer main, the owner or plumber contemplating doing such work shall notify the manager, who will inspect the old plumbing and notify the owner or plumber of what alterations will be necessary to place the old plumbing in an acceptable condition for such connection. Any owner or plumber who shall make any connection without the approval of the manager shall, upon conviction, be subject to the penalties provided in this article.

(f) *Old building sewers must meet article requirements.* Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the manager, to meet all requirements of this article.

(g) *Conformance of construction materials with plumbing code, etc.* The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification hereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(h) *Elevation.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(i) *Certain connections prohibited.* No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(j) *Connections to comply with applicable regulations.* The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the manager before installation.

(k) *Applicant to notify manager when sewer ready to be inspected; supervision by manager of connection.* The applicant for the building sewer permit shall notify the manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the manager or his representative.

(l) *Excavations.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

(m) *Property owner responsible for clean 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 main sewers.

(n) *Right of town to cut off connection in certain instances.* Failure to keep the sewer pipe, i.e., the pipe leading from the plumbing system to the sewer main, clean and maintained in a proper manner will give the town 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 own private water supply, the town shall have the right to cut off such water supply to the plumbing system, and the owner shall have no right to reconnect his own private water supply until the sewer pipe leading from the plumbing system to the sewer main has been maintained and cleaned and in proper condition. Any violation of this provision by reconnecting his private water supply or the connection from the town water line, until such sewer pipes are cleaned and maintained properly, shall be considered a violation of this article and subject to the penalties provided in this article.

(Code 1980, § 21-19)

Sec. 19-32. Regulation of discharges.

(a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. New connections shall not be made into the sanitary sewer system from known inflow sources.

(b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the manager. Industrial cooling water or unpolluted process waters may be discharged, on approval of the manager, to a storm sewer or natural outlet.

(c) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.
- (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage

works such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(d) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the manager that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the manager will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees centigrade).
- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (zero and 65 degrees centigrade).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the manager.
- (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the manager for such materials.
- (6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the manager as necessary, after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the manager in compliance with applicable state or federal regulations.
- (8) Any waters or wastes having a pH in excess of 9.5.

(9) Materials which exert or cause:

- a. Unusual concentrations of inert suspended solids, such as but not limited to fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate.
- b. Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions.
- c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- d. Unusual volume of flow or concentration of wastes constituting slugs.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(e) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (a) of this section, and which in the judgment of the manager may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the manager may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (j) of this section.

If the manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the manager and subject to the requirements of all applicable codes, ordinances and laws.

(f) Grease, oil and sand interceptors shall be provided when, in the opinion of the manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the manager and shall be located so as to be readily and easily accessible for cleaning and inspection.

(g) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(h) When required by the manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the manager. The manhole shall be installed by the owner at the owner's expense and shall be maintained by him so as to be safe and accessible at all times.

(i) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at the control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfall of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH values are determined from periodic grab samples.

(j) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor by the industrial concern.

(k) Any major contributing industry as defined by 40 CFR 128.124 shall comply with 40 CFR 128 and any other regulation as shall from time to time be established by U.S. Environmental Protection Agency or other appropriate regulating governmental agency.

(Code 1980, § 21-20)

Sec. 19-33. Protection from damage.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works.

(Code 1980, § 21-21)

Secs. 19-34—19-55. Reserved.

Sewer

ARTICLE III. RATES AND CHARGES

DIVISION 1. GENERALLY

Sec. 19-56. Deposits for services.

The town council shall by resolution determine the required deposits to be made by all persons making applications for utility service, and such resolution shall set forth the method of handling such funds.

(Code 1980, § 21-32)

Sec. 19-57. Fees and charges—Adopted by reference.

The fees and charges for service and for making connections and reconnections to the utility systems and for the issuance of permits are on file in the town clerk's office and made a part of this article by reference.

(Code 1980, §§ 21-23(a), 21-34; Ord. No. 238, § 1, 9-25-90)

Sec. 19-58. Same—Payment.

Bills for the monthly charges and fees for utilities and services shall be payable by the tenth day of each month. If such monthly bill shall be and remain unpaid on and after the tenth day of such month for such service, a penalty on file in the town clerk's office shall be imposed and be added to the bill. On the 15th day of such month the service to the consumer shall be subject to discontinuance and shall not be reconnected after discontinuance until all past due utility fees are fully paid, together with any penalties or fees.

(Code 1980, §§ 21-23(b), 21-46)

Sec. 19-59. No free service.

No utility service shall be furnished or rendered free of charge to any person, firm or corporation whatsoever, and the town and each and every agency, department or instrumentality which uses the utility services shall pay therefor at the rates fixed by this article.

(Code 1980, § 21-23(d))

Sec. 19-60. Reconnection charge for utility services.

If service is discontinued as a result of the failure of the user to remit payment for utility services, a charge in an amount as determined by the town council and on file in the office of the town clerk shall be remitted to the town for the cost of reconnection if reconnection is made during normal business hours. If the request to reconnect is after normal business hours, an additional after-hours fee in an amount as determined by the town council and on file in the office of the town clerk shall be charged. The town will not reconnect service which had previously been discontinued for non-payment after 6:00 p.m. An exception will be made if failure to reconnect would result in a life threatening situation such as severe cold or life support machinery in use.

(Ord. No. 274, § 1, 8-29-95; Ord. No. 301, § 1, 10-10-00)

Sec. 19-61. Trip charge.

When the town sends an employee to notify the customer of a delinquent bill or a returned check, a service charge in an amount determined by the town council and on file in the office of the town clerk will be applied for each trip.

(Ord. No. 274, § 1, 8-29-95; Ord. No. 302, § 1, 10-31-00)

Secs. 19-62—19-70. Reserved.

DIVISION 2. SEWER SERVICE

Sec. 19-71. Schedule of sewer rates.

The regulations as to the rates, fees and charges for the services and facilities furnished the customers of its sewer system shall be determined by resolution adopted by the town council after public notice thereof and shall be on file in the clerk's office.

(Ord. No. 259, § 1, 9-29-92; Ord. No. 273, § 1, 8-29-95; Ord. No. 314, § 1, 9-30-03)

Sec. 19-72. Unlawful connection.

No person shall be allowed to connect into the sewer system without the consent of the manager or his designee, and then the connection with the system shall only be made under the direction and supervision of the manager or his designee. Any property owner or contractor who shall make any connection without such consent of the manager or his designee shall, upon conviction, be subject to the penalties provided in section 1-9.

Sec. 19-73. Right of town to cut off water supply.

If sewage disposal fees are not paid in accordance with the provisions in division 1 of this article, and the owner has his own private water supply, the town shall have a right to cut off such water supply to the plumbing system, and the owner shall have no right to reconnect his own private water supply until the sewage disposal fees shall have been paid in full. Any violation of this provision by an owner's reconnecting his private water supply, until such sewage disposal fees are paid in full, shall be considered a violation of this article and is subject to the penalties provided in section 1-9.

(Code 1980, § 21-23(c))

Sec. 19-74. Separate connections for each separate unit.

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

(Code 1980, § 21-23(e))

Secs. 19-75—19-85. Reserved.

DIVISION 3. GAS SERVICE

Sec. 19-86. Schedule of gas rates.

(a) *Regulations.* The regulations as to the rates, fees and charges for the services and facilities furnished the customers of its gas system shall be determined by the town council and are on file in the town clerk's office.

(b) *Payment.* Bills for gas service rendered hereunder are payable pursuant to division 1 of this article.

(c) *Automatic escalation.* If the wholesale cost of gas to the town is increased over the existing wholesale rate, such increases will be passed on to the ultimate customers.
(Code 1980, § 21-31)

Sec. 19-87. Unlawful connection.

No person shall be allowed to connect into the gas system without the consent of the manager or his designee, and then the connection with the system shall only be made under the direction and supervision of the manager or his designee. Any property owner or contractor who shall make any connection without such consent of the manager or his designee shall, upon conviction, be subject to the penalties provided in section 1-9.

Secs. 19-88—19-95. Reserved.

DIVISION 4. ELECTRICITY SERVICE

Sec. 19-96. Schedule of electric rates.

(a) *Regulations.* The regulations as to the rates, fees and charges for the services and facilities furnished the customers of its electric system shall be determined by the town council and are on file in the town clerk's office.

(b) *Payment.* Bills for electric service rendered hereunder are payable pursuant to division 1 of this article.

(c) *Automatic escalation.* If the wholesale cost of electricity to the town is increased over the existing wholesale rate, such increases will be passed on to the ultimate customers.

Sec. 19-97. Unlawful connection.

No person shall be allowed to connect into the electric system without the consent of the manager or his designee, and then the connection with the system shall only be made under the direction and supervision of the manager or his designee. Any property owner or contractor who shall make any connection without such consent of the manager or his designee shall, upon conviction, be subject to the penalties provided in section 1-9.

Secs. 19-98—19-105. Reserved.

DIVISION 5. WATER SERVICE

Sec. 19-106. Connections; charges.

Where available, the owner of every lot or parcel of land within the town may connect, or cause the plumbing of any building thereon to be connected, with the municipal water system

of the town and use the facilities of such water system. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the town council, which rules and regulations shall provide for a charge for making any such connections in such reasonable amount as the council may fix and determine. Provided, however, that this division shall not be construed to entitle any person to cross the private property of another to make such water connections; and provided further that there shall be no connection charge for connections during the initial construction of any distribution line of the water system.

(Code 1980, § 21-41)

Sec. 19-107. Schedule of water rates.

The regulations as to the rates, fees and charges for the services and facilities furnished the customers of its water system shall be determined by resolution adopted by the town council after public notice thereof and shall be on file in the clerk's office.

(Ord. No. 272, § 1, 8-29-95; Ord. No. 315, § 1, 9-30-03)

Sec. 19-108. Reserved.

Sec. 19-109. Unlawful connection.

No person shall be allowed to connect into the water system without the consent of the manager or his designee, and then the connection with the system shall only be made under the direction and supervision of the manager or his designee. Any property owner or contractor who shall make any connection without such consent of the manager or his designee shall, upon conviction, be subject to the penalties provided in section 1-9.

(Code 1980, § 21-43)

Sec. 19-110. Connecting old plumbing.

Whenever it is desirable to connect existing plumbing with the town water system, the owner or plumber contemplating doing such work shall notify the manager, who will inspect the plumbing and notify the owner or plumber what alterations will be necessary to place the plumbing in an acceptable condition for connection with the water system. Any owner or plumber who shall make any connection without the approval of the plumbing inspector shall, upon conviction, be subject to the penalties provided in section 1-9.

(Code 1980, § 21-44)

Sec. 19-111. Maintenance of plumbing.

The owner of the property shall be responsible for maintaining all plumbing on such property and the pipe leading and connecting from the water system distribution lines.

(Code 1980, § 21-45)

Sec. 19-112. Separate connections for each unit.

Each lot or building site shall be considered a separate unit for the payment of the water fees established in this division, and separate connections will be required for each of such units. Every connection shall be separately metered.

(Code 1980, § 21-48)

Secs. 19-113—19-135. Reserved.**ARTICLE IV. CROSS CONNECTION CONTROL AND
BACKFLOW PREVENTION PROGRAM*****Sec. 19-136. Purpose.**

The purpose of a cross-connection program is to prevent waterborne diseases and contaminants from entering the distribution system, and thus the water we drink. More exactly, the program is intended to prevent delivered water (water that has passed beyond the public water system into the private distribution systems of consumers) from reentering the public distribution system and being delivered to other consumers. The program aims to protect the town and its consumers from those water using establishments which could harm the quality and safety of the town's water supply through backflow and/or cross-connections.

(Ord. No. 277, § 2, 10-31-95)

Sec. 19-137. 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:

Air gap means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the floor level rim of the receptacle.

***Editor's note**—At the discretion of the editor, §§ 1—7 of Ord. No. 277, adopted October 31, 1995, has been codified as herein set out in §§ 19-136—19-142. Said provisions did not expressly amend the Code.

Auxiliary water supply means any water supply on or available to the premises other than the purveyor's approved public potable water supply. These auxiliary water supplies may include water from the purveyor's public potable water supply or any natural resource such as a well, spring, river, stream, pond, harbor, etc., or used water or industrial fluids. They may be polluted or contaminated or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Backflow preventer (BFD) means a device or means to prevent backflow or back siphonage.

Contaminant means a toxic substance that, if introduced into the potable water system, would create a health hazard.

Cross-connection means any connection or structural arrangement between a public or a consumer's potable water system, and any non-potable water source or system through which backflow may occur.

Cross-connection control (CCC) means a general term applied to a program, an ordinance, a code, etc., designed to discover, to eliminate, to prevent, etc., all cross connections, existing or potential.

Cross-connection control by containment means the installation of a backflow preventer at the service connection to a premises to protect the water main (secondary protection).

Cross-connection control by isolation means the installation of a backflow preventer or a vacuum breaker at the source (point) of each cross connection on a premises to protect both the premises and the main (primary protection).

Cross-connection, nonpressure type means a low inlet installation where a potable water supply pipe is connected or extended below the overflow rim of a receptacle, or an environment, that contains a nonpotable fluid and is at atmospheric pressure.

Cross-connection, pressure type means an installation where a potable water supply pipe is connected to a closed vessel, or a piping system, that contains nonpotable fluid, and is above atmospheric pressure.

Double check valve assembly (DCVA) means an assembly of at least two independently acting approved check valves.

Manager of water system means the town manager or his or her duly authorized representative who is in charge of the town water system and who shall be invested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of this article, or as suitable for the program use.

Pollutant means a nontoxic substance that, if introduced into the potable water system, would be objectionable but would not create a health hazard.

Reduced pressure principle or approved reduced pressure principle back flow prevention device (RP) means a device that consists of two spring-loaded independently acting check

valves with an intermediate or reduced pressure zone draining to the atmosphere by an independently acting relief valve. The unit operates on the hydraulic principle that water will not flow from a zone of low pressure to a zone of higher pressure.

Vacuum breaker (VB) means a general term applied to a back siphonage prevention device that introduces air into the potable water system when the system pressure approaches zero pounds per square inch (psi). It is designed for use where the receptacle or environment being served is subject to atmospheric pressure only.

(Ord. No. 277, § 1, 10-31-95)

Sec. 19-138. Cross-connection control program.

(a) *Authority.* The town manager or his or her authorized representative shall inspect the plumbing in any building or premises that is served by the Town of Havana Water System, as necessary to conduct a cross-connection control survey. The survey will determine that the plumbing has been installed in such a manner as to prevent the possibility of pollution to the town's water supply. The town shall notify in writing the owner of any building or premises to correct, within a specified time period set by the town, any plumbing existing or installed that is in violation of this article.

(b) *Inspections.* The town manager or his or her authorized representative shall have the right of entry into any building, during reasonable hours, for the purpose of making an inspection of the plumbing systems installed in such building or premises provided that prior notice has been given to the owner or authorized agent of the owner unless an emergency condition exists. With respect to single family dwellings, consent to such inspection shall first be obtained from a person of suitable age or discretion therein or control thereof.

(c) *Town's responsibility.* The responsibilities of the town's cross-connection control program in accordance with rules of the Department of Environmental Protection, Chapter 62-555, are as follows:

- (1) To protect the town's public water supply from the possibility of contamination by isolating within its consumers' private water systems, contaminants or pollutants which could, under adverse conditions, backflow through uncontrolled cross-connections into the public water supply.
- (2) To eliminate or control existing cross-connections, actual or potential, between the consumers' in-plant potable water systems and nonpotable water systems plumbing fixtures, and industrial piping systems.
- (3) To provide a continuing inspection program of cross-connection control which will systematically and effectively control all actual or potential cross-connections which may be installed in the future.

(d) *Customer's responsibility.* The customer has the responsibility for protecting both the potable water in his own system and the water in the public water supply from degradation due to conditions originating on his premise through uncontrolled cross-connections by the installation of an approved backflow prevention device at the service connection. The customer

is responsible for the costs of procurement, installation, testing, repair and maintenance of said device. The customer is also required to furnish the following information to the town immediately after a reduced pressure principle preventer, double check valve assembly, or pressure vacuum breaker is installed:

- (1) Service address where device is located
- (2) Owner
- (3) Description of device's location
- (4) Size of device
- (5) Type of device
- (6) Manufacturer
- (7) Model number
- (8) Serial number
- (9) Date of installation

(e) *Backflow prevention device installers.* The responsibility of the backflow prevention device installer, a certified tester, is to properly install a BFD device in accordance with the manufacturer's installation instructions, and any additional instructions approved by the town manager or his or her authorized representative. The installer is also responsible to test the device to make sure it is working properly when it is installed.

(f) *Emergency condition.* In an emergency condition, when the public potable water is being contaminated or is in immediate danger of contamination, water service shall be disconnected immediately by the town without notification.

(g) *Policy violation.* Where a violation of this policy exists, but where the situation does not constitute an emergency condition, the water service shall be disconnected if the consumer has been duly notified of the violation and has not corrected the problem within a specified time period.

(Ord. No. 277, § 3, 10-31-95)

Sec. 19-139. Inspections.

(a) *Overview.* In order to protect the town's public water system from contamination due to cross-connections, no auxiliary water supply piping shall be connected to the town's public water supply without an approved reduced pressure zone backflow prevention device. Any system where it will be possible for contaminated water, mixtures or substances, to enter into piping from tanks, vats or receptacles, by either backsiphonage or backpressure, shall have an approved backflow prevention device. The approval of the town manager or his or her authorized representative must be obtained before any connection is made between the domestic supply and any contaminated, polluted, or auxiliary water supply system.

(b) *New construction.* All new construction plans and specifications for industrial/commercial facilities shall be reviewed by the town manager or his or her authorized representative and county building inspector since our community has adopted a modern plumbing code (Southern Building Code) to determine the degree of possible cross-connection hazard.

(c) *Existing facilities.* In order to determine the degree of hazard to the public potable water system, a survey will be made of the commercial/industrial customers presently connected to our water system. This survey need not be a detailed inspection, but confined to establishing the water uses on the premises, the existence of cross-connections, and the availability of auxiliary or used water supplies.

(d) *Frequency.* Due to changes in models or components of equipment, methods of manufacturing and additions to plants, buildings, etc., water use requirements undergo continual change. As a result, new cross-connections may be installed and existing protection may be bypassed, removed or otherwise ineffective. Therefore, a detailed inspection may be required from time to time.

(Ord. No. 277, § 4, 10-31-95)

Sec. 19-140. Testing of backflow preventers.

Customer responsibility. It shall be the duty of the customer-user at any premises where reduce pressure backflow prevention devices (RP), double check valve assemblies (DCVA), and pressure vacuum breakers (PVB) are installed to have thorough inspections and operational tests made at least once a year or more often in those instances where inspections indicate a need. These inspections and tests shall be at the expense of the water user, and performed by a certified backflow device technician. All test results shall be submitted to the town within the time specified for compliance.

(Ord. No. 277, § 5, 10-31-95)

Sec. 19-141. Cross-connection hazards and required protections.

(a) *Facilities / type of backflow protection required.* An approved backflow prevention device of the type designated shall be installed on each water service connection to the following types of facilities. This list is presented as a guideline and should not be construed as being complete:

Abbreviations are used as follows:

- A.G. Air gap separation
- R.P.Z. Reduced pressure zone backflow preventer
- D.C.V.A. Double check valve assembly
- P.V.B. Pressure vacuum breaker

UTILITIES

§ 19-141

<i>Type of Facility</i>	<i>Minimum Type of Protection</i>
Car wash	R.P.Z.
Dairies.....	D.C.V.A.
Dentist office, clinics, medical buildings	R.P.Z.
Fertilizer plant	R.P.Z.
Food or beverage plant.....	D.C.V.A.
Irrigation systems	R.P.Z.
Laboratories.....	R.P.Z.
Laundries and dry cleaning plants	D.C.V.A.
Morgues or mortuaries	R.P.Z.
Nursing homes	R.P.Z.
Packing houses	R.P.Z.
Pesticide companies.....	R.P.Z.
Restaurants with soap educators or industrial disposal	R.P.Z.
Schools with laboratories.....	R.P.Z.
Swimming pools with piped fill line	A.G.
Sewage treatment plants.....	R.P.Z.
Sewage pumping stations	R.P.Z.
Veterinary establishments	R.P.Z.

In addition to and including those types of facilities listed above, an approved backflow prevention device of the type designated shall be installed on each domestic water service connection to any premises containing the following real or potential hazards:

<i>Types of Hazards</i>	<i>Minimum Type of Protection</i>
Premises having an auxiliary water system connected to the public water system	R.P.Z.
Premises having a water storage tank, reservoir, pond or similar appurtenance	R.P.Z.
Premises having a steam boiler, cooling system or water heating system where chemical conditioners are used.....	R.P.Z.
Premises having submerged inlets to equipment	R.P.Z.

Premises having self-draining yard hydrants, fountains, hose boxes or similar devices.....	R.P.Z.
Others specified by the town.....	R.P.Z.

(b) *Installations requiring continuous service.* All backflow prevention devices with test cocks are required to be tested with a minimum frequency of once per year. Testing requires a water shut down usually lasting five to 20 minutes. For facilities that require an uninterrupted supply of water, provisions shall be made for a parallel installation of backflow prevention devices. During testing one device is left on while the other is being tested. Usually the two devices are sized one device size smaller than the service line, e.g. one two-inch device or two one and one-half-inch devices. One eight-inch device or two six-inch devices.

The water department will not accept an unprotected bypass around a backflow prevention device when the device is being tested, repaired or replaced.

(c) *Other cross-connection hazards:*

- (1) *Fixture inlets or valved outlets.* Fixture inlets or valved outlets with hose attachments, which may constitute a cross-connection, shall be protected by the proper approved vacuum breaker (AVB, HBVB, etc.) installed at least six inches above the highest point of usage and located on the discharge side of the last valve. Fixtures with integral vacuum breaker manufactured as a unit may be installed in accordance with their approved requirements.
- (2) *Air condition cooling tower.* Potable water inlet shall have an AG separation of twice the inside diameter of the inlet line or a minimum of two inches above the flood level rim.
- (3) *Aspirators and ejectors.* All aspirators and ejectors shall have a backflow prevention device depending upon the degree of hazard.
- (4) *Booster pumps.* All booster pumps shall be provided with a low pressure cutoff switch unless other acceptable provisions are made to prevent the creation of low or negative pressures in the piping system.
- (5) *Private wells.* Private wells shall not be interconnected unless the public supply is protected by a reduced pressure zone backflow preventer at the service connection, and approval is given by the town.
- (6) *Portable spray and cleaning equipment.* Any portable spray or cleaning units that have the capability of connecting to any potable water supply and do not contain a built-in approved air gap, should be fitted with a RPZ device or DCVA device depending upon the degree of hazard.
- (7) *Miscellaneous uses of water from fire hydrants.* The operation of fire hydrants by other than authorized personnel is prohibited. The water department may permit the use of water from a fire hydrant for construction or other purposes provided the applicant shall properly apply for, and adhere to, backflow requirements on hydrant permit.

- (8) *NOTE:* Any device, equipment, or situation not covered by this cross-connection policy, which may constitute a potential health hazard, will be examined for appropriate treatment by the water department.

(Ord. No. 277, § 6, 10-31-95)

Sec. 19-142. Installation of backflow prevention devices.

(a) *Reduced pressure zone (RPZ).* A reduced pressure zone backflow preventer shall be installed above ground in a horizontal position only, with the discharge relief vent a minimum of 12 inches above the finished flood plain. A RPZ device can be enclosed for the purpose of insulation. However, the relief vent must remain clear and open to release to the atmosphere. Piping or hoses shall not be attached to the discharge vent of a RPZ device for the purpose of draining discharged water.

(b) *Double check valve assembly (DCVA).* A double check valve assembly shall be installed above ground in a horizontal position only, with the bottom of the device a minimum of 12 inches above the finished flood plain. A DCVA can be installed in an enclosure or above ground vault. In the event an above ground vault is used, the vault shall have a drain opening at the finished flood plain of the same nominal size as the device. (Note: Enclosures shall be constructed in a manner that allows for a backflow device to be tested and/or repaired.)

(Ord. No. 277, § 7, 10-31-95)

Secs. 19-143—19-163. Reserved.

ARTICLE V. ELECTRICITY

Sec. 19-164. Electric franchise—Service prohibited without franchise.

No entity or person may sell or provide electric utility services to any customer within the corporate limits of the town, as those corporate limits may be extended from time to time, without first obtaining a franchise from the city. Such franchise will permit the person or entity to sell or provide said electric utility services within designated geographical areas of the town's corporate limits and to designated service locations. If granted, the franchise agreement shall contain, at a minimum and at the discretion of the town, the term of the agreement, the franchise fee or other valuable consideration that is to be paid to the town, the specific electric utility services to be provided within the town limits, the geographical areas and service locations to be served, appropriate terms and conditions of service including provisions and conditions for the utilization of the town's streets and rights-of-way, and appropriate health and safety regulations. However, the terms of the franchise agreement shall not be construed to limit the town's ability to require permits for the construction or maintenance of said electric utility facilities. Any fees required by town for such permits will be in addition to the franchise fee. A copy of the form of the franchise agreement is attached hereto as Exhibit "A" [Ord. No. 285, a copy of which may be found in the clerk's office].

(Ord. No. 285, § 1, 1-28-97)

Sec. 19-165. Same—Existing facilities may not be extended or modified without town's approval.

Existing electric utility facilities and infrastructure situated within the corporate limits of the town, may not be extended or modified without the approval of the town and not until such time as the owner or operator of any such electric utility facilities or infrastructure enters into a franchise agreement with the town.

(Ord. No. 285, § 2, 1-28-97)

Sec. 19-166. Same—Use of streets and rights-of-ways may be subject to a rental fee.

Occupation of the town's streets and rights-of-way by providers of electric utility services may be subject to the payment of rent in addition to any payments required pursuant to a franchise agreement. The rental fee for occupying the town's streets and rights-of-way will be determined by the town council on a case-by-case basis.

(Ord. No. 285, § 3, 1-28-97)