

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2017 - 0945

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, RELATING TO REUSE WATER; AMENDING CHAPTER 50, ENTITLED "NATURAL RESOURCES," TO ADD A NEW ARTICLE I, ENTITLED "REUSE WATER-POMPANO BEACH SERVICE AREA," AND SECTIONS 50.02 - 50.14 OF THE CITY'S CODE OF ORDINANCES TO PROVIDE FOR REUSE WATER IN THE AREA OF THE CITY OF LIGHTHOUSE POINT WITHIN THE POMPANO BEACH SERVICE AREA FOR POTABLE WATER; REQUIRING CONNECTION TO REUSE WATER FACILITIES WITHIN THE POMPANO BEACH SERVICE AREA WHEN SUCH FACILITIES ARE INSTALLED; PROVIDING FOR DEFINITIONS AND OTHER MATTERS REGULATING REUSE WATER; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through Ordinance 2002-0806, the City of Lighthouse Point has granted Pompano Beach a franchise for Potable Water within a portion of the City, known as the Pompano Beach Service Area; and,

WHEREAS, the City of Pompano Beach has the ability to provide Reuse Water to properties within the Pompano Beach Service Area for use in irrigation of those properties; and,

WHEREAS, the use of Reuse Water for irrigation reduces the Potable Water demands, promotes conservation of Potable Water sources, and provides a more economic form of irrigation; and,

WHEREAS, the City Commission of the City of Lighthouse Point believes it to be in the best interest of the City to adopt this Ordinance to require connection for all properties in the City for which reuse facilities are available within the Pompano Beach Service Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2. Chapter 50, entitled "Natural Resources," is amended to add a new Article I, entitled "Reuse Water – Pompano Beach Service Area," and to add Sections 50-2 to 50-14 relating to Reuse Water in the Pompano Beach Water Service Area in the City, as follows:

Chapter 50 – NATURAL RESOURCES

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ARTICLE I. – REUSE WATER – POMPANO BEACH SERVICE AREA

Sec. 50-02. - 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:

Approved. Unless another entity is named, accepted by the Director as meeting an applicable specification stated or cited in this article, or as suitable for the proposed use.

Approved Backflow Preventer. As defined by the Florida Building Code, Plumbing, and Chapter 62-355, Florida Administrative Code.

Back-Siphonage. The flow of water or other liquids, mixtures or substances into the distribution pipes of a Potable Water supply system from any source other than its intended source caused by the sudden reduction of pressure in the Potable Water supply system.

Backflow. The flow of water or other liquids, mixture or substances, under positive or reduced pressure into the distribution pipes of a Potable Water supply from any source other than its intended source.

Backflow Preventer. An assembly or means designed to prevent backflow or Back-Siphonage.

City. City of Lighthouse Point.

Certified Backflow Tester. A person who has successfully completed at least a 32 hour backflow prevention course and has a current Certificate of Completion from one of the schools endorsed by the Florida Section AWWA.

Contaminant. A physical, chemical, biological or radiological substance or matter in water.

Cross-Connection. Any physical arrangement whereby a public water supply is connected, directly, or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other assembly which contains or may contain contaminated or polluted water, sewage, or other waste, or liquid of unknown or unsafe quality which may be capable of imparting contamination or pollution to the public water supply as a result of Backflow or Back-Siphonage. By-pass arrangements, jumper connections, removable sections, swivel or changeable assemblies, and other temporary or permanent assemblies through which or because of which Backflow or Back-Siphonage could occur are considered to be Cross-Connections.

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Customer. Any person, firm or corporation, or governmental entity, using or receiving water from Pompano Beach's utility system.

Department. Pompano Beach Utility Department.

Director. Pompano Beach's Utilities Director or delegated representative, in charge of Pompano Beach Utilities Department.

Florida Building Code, Plumbing. The portion of the Florida Building Code relating to Plumbing, as published by the State of Florida, and adopted by the Broward County Board of Rules and Appeals.

Pollutant. A foreign substance that, if permitted to get into the Potable Water system, will degrade its quality so as to impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such water for domestic use.

Pompano Beach Service Area. The area of the City in which Pompano Beach provides Potable Water as defined and described in City Ordinance 2002-0806.

Potable Water. Water from any source which has been approved for human consumption by the Public Health Unit.

Public Health Unit. The health authority having jurisdiction in the county.

Reuse Water. Water that is flowing out of Pompano Beach's water reclamation facility.

Reuse Water System. Facilities consisting of distribution mains, valves and appurtenances used to distribute Reuse Water to Customers, ending at the customer reuse meter.

Reuse Water Facilities. All facilities required for the production, storage, transmission, distribution and use of Reuse Water.

Water Service Connection. The point in the Customer's water system beyond the sanitary control of the Department, either at the outlet end of the water meter or at the Pompano Beach owned dual check device for single family residences.

Sec. 50-03. – Intent.

The City Commission of the City has determined that the use of Reuse Water is necessary and in the best interests of the citizens of Lighthouse Point. It is intended that this article will accomplish the objectives of providing for the safe and beneficial use of Reuse Water within the Pompano Beach Service Area to protect the environment and conserve Florida's limited Potable Water supplies, and the City Commission of the City does hereby find that it is in

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the best interest of the City to protect and promote the health, safety, and welfare of the people located within the Pompano Beach Service Area, to adopt this Ordinance.

Sec. 50-04. – Connection Required.

- (A) Where available, the owner of every lot or parcel of land within the Pompano Beach Service Area where Reuse Water facilities have been installed by Pompano Beach shall connect or cause to be connected, with the Reuse Water distribution system.
- (B) All developments constructed after the effective date of this ordinance shall include Reuse Water distribution mains, and shall connect to the system when Reuse Water service becomes available.
- (C) Pompano Beach may charge an availability charge where and when the Reuse Water service becomes available, consistent with the rates within Pompano Beach's ordinances and the terms of any agreement between the City and Pompano Beach.
- (D) All connections shall be made in accordance with the policies and regulations of Pompano Beach. This provision shall not be construed to entitle any person to cross the property of another to make such connections.
- (E) For the purposes of this article, the term "available" or "availability" shall mean contiguous to meters.
- (F) At such time as Reuse Water service becomes available, required connection shall be made within ninety (90) days of notification by Pompano Beach.
- (G) Upon connection of a lot or parcel of land to the Reuse Water system, returning to Potable Water connections for irrigation purposes is prohibited.
- (H) Relief.
 - (1) Any person affected by the provisions of this section may make application to the City Administrator or his designee, for relief if compliance would impose a unique, unnecessary and inequitable hardship on such person. Relief may be granted only upon a demonstration that such hardship is peculiar to the person or the affected property and is not self-imposed, and that the grant of relief will be consistent with the general intent and purpose of this section. Any application for relief or appeal shall be sent by certified mail, return receipt requested.
 - (2) Upon receiving an application for relief, the City Administrator or his designee shall render a decision on the type of relief, if any, within 20 working days. Denial of the relief may be appealed to the City Commission within 30 days of such person's receipt of the notice of denial.
 - (3) An application for relief, and/or the granting of relief, shall operate prospectively, and shall not affect any pending enforcement action against the violator pursuant to the provisions of this section unless the relief specifically provides that it does so.
 - (4) Any property for which relief is granted will continue to pay any availability fee charged by Pompano Beach to Customers in the City.

Sec. 50-05. – Connection Charges and Rates

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Properties served with Reuse Water shall pay charges as determined by Pompano Beach in its ordinances and pursuant to the terms of any agreement between the City and Pompano Beach.

Sec. 50-06. – Customer Responsibility.

- (A) The Customer shall follow the provisions of this article.
- (B) The Customer shall prevent Contaminants and Pollutants from entering the Potable Water supply system from the Customer's water system. The Customer shall protect the Customer's private water system against actual or potential Cross-Connection, Backflow or Back-Siphonage, as required by the Florida Building Code, Plumbing, and other applicable regulations.
- (C) Owners of Backflow Preventers on properties other than single family residential properties shall have certified inspections and operational tests made at least once per year. In those instances where the Director deems the hazard to be great enough, certified inspections may be required at more frequent intervals. The cost for inspection and testing shall be borne by the owner of the assembly and shall be performed by a Certified Backflow Tester. The cost for the Backflow Preventer repair, overhaul, or replacement shall be borne by the owner of the assembly. Records of such tests, repairs and overhaul shall be kept and made available (copy provided) to the Director.
- (D) The Customer shall inform Pompano Beach of any proposed or modified Cross-Connections and also any existing Cross-Connections of which the Customer is aware.
- (E) The Customer shall not install a by-pass around any Backflow Preventer unless there is an Approved Backflow Preventer of the same type on the by-pass. Customers who cannot shut down operation for testing or repair of Approved Backflow Preventers must provide a parallel installation to allow for testing or repair to take place.
- (F) For the purpose of making any inspection or installation of a Backflow Preventer, or discharging the duties imposed by this article, a Pompano Beach employee shall be granted access to all utility equipment located on the Customer's premises.
- (G) No person shall connect to, operate, maintain or allow to remain any connection to the Potable Water system for domestic use or for any purpose which is on the Pompano Beach utility side of the Backflow Preventer. No such connections shall be permitted without the prior written approval from the Director and that such installation shall also require an additional Approved Backflow Preventer that meets the approval of Pompano Beach.
- (H) Failure to perform tests within the period in (D) above may result in the suspension of reuse or Potable Water service until such time as the necessary tests are conducted and accepted by Pompano Beach.

Sec. 50-07. – Permits. Cross-Connection permits required for the installation or replacement of Approved Backflow Preventers are obtained from the City. Permits are required for assemblies or devices that may be required for Backflow prevention. Permits are not required for dual check devices owned by Pompano Beach.

Sec. 50-08. – Existing In-Use Backflow Preventers.

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- (A) Any Backflow Preventer existing as of the effective date of this article that is properly installed and properly functioning shall be allowed to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present Backflow Preventer, or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, the existing Backflow Preventer must be upgraded to ensure an appropriate assembly is installed consistent with the increased degree of hazard. A permit must be obtained from the City.
- (B) All Approved Backflow Preventers installed as of the effective date of this article that do not meet the requirements of Pompano Beach shall be removed and replaced with a Backflow Preventer meeting the requirements of this article. The Customer shall pay for all costs of replacement and obtain any required permit from the City. However, single-family residential customers shall receive replacement devices at no cost.

Sec. 50-09. – Unauthorized Work on Reuse Water System.

- (A) Unauthorized work prohibited. No person, unless expressly authorized by the Director, shall tamper with, work on, or in any way alter or damage any Pompano Beach Reuse Water facility. Tampering or work shall include, but is not limited to, opening or closing of Pompano Beach's valves, or causing of any water to flow from the system. No unauthorized person shall cut into or make any connection with the system. The offending person(s) or property owner(s) shall be liable for the cost of all charges attributable to the correcting of such tampering, including legal expenses, but payments of or correcting of such damage shall not relieve the offending person from civil penalties the City or a court may impose for a violation of City ordinance.
- (B) Maintenance required. The owner or controller of the property must properly maintain the Reuse Water system and Approved Backflow Preventers upon the premises. However, Pompano Beach shall be responsible for any maintenance of any Pompano Beach-owned residential dual check device and the associated Pompano Beach owned Reuse Water equipment. Additionally, the owner or controller of the property will maintain the irrigation system to avoid excessive overspray onto streets, public sidewalks, canals, swimming pools, hot tubs or wading pools. Also included is maintenance of pipes and valves so as not to cause damage to City streets or utilities. Failure to keep the system in repairs shall result in discontinuance of service.

Sec. 50-10. – Conditions of Use and Ownership.

- (A) Each Customer of Reuse Water shall not have any recourse against the City and/or Pompano Beach for the loss of Reuse Water supply due to treatment plant disruptions such as power loss, main distribution system down times, or for damage to vegetation or any other damages occasioned by use of the Reuse Water.

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- (B) All Reuse Water distribution systems and facilities constructed by an applicant in public easement or right-of-way shall be conveyed to Pompano Beach.

Sec. 50-11. – Unauthorized Use.

- (A) No person shall allow any Reuse Water to be consumed by any human being or animal. Additionally, no person shall use Reuse Water for any purpose which would knowingly endanger the health of any person, animal or plant. No hose bibs are allowed on the Reuse Water system, with the exception of utility approved locked boxes meeting Pompano Beach specifications.
- (B) Theft of Reuse Water service shall be subject to enforcement and penalties as provided by law.

Sec. 50-12. – Liability Regarding Public Employees.

No provision of this article designating the duties of any City official or employee shall be construed as to make such official or employee liable for any fine or penalty for failure to perform such duty.

Sec. 50-13. – Violation, Liability.

- (A) Any person or Customer found guilty of violating any of the provisions of this article or any written order of the City pursuant thereto, shall be punishable as provided by law, including through code enforcement proceedings, and shall pay all costs and expenses involved in the case, including attorney's fees. Each day upon which a violation of this article occurs, shall constitute a separate and additional violation.
- (B) Any person or Customer in violation of any of the provisions of this article shall become liable to the City and Pompano Beach for any expense, loss or damage incurred by the City and/or Pompano Beach by reason of such violation, including attorney's fees and costs of correcting the unauthorized work, tampering or damage to the system.
- (C) In addition to any penalty provided by law for the violation of any provision of this article, the City may bring suit in the appropriate court to enjoin, restrain, or otherwise prevent the violation.

Sec. 50-14. – Aquifer Protection.

New wells requested by City permit in those areas supplied by Reuse Water will be denied. When Reuse Water is available, the use of a private irrigation well or surface water diversion for home lawn and ornamental irrigation is not authorized.

Section 3. Conflicts. All ordinances or parts of ordinances, resolutions or part of resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

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Section 4. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 5. Codification. It is the intention of the City Commission of the City of Lighthouse Point that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lighthouse Point, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 6. Effective Date. This ordinance shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE FIRST READING, THIS 24th DAY OF JANUARY, 2017.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE SECOND AND FINAL READING, THIS 14th DAY OF February, 2017.

BY:



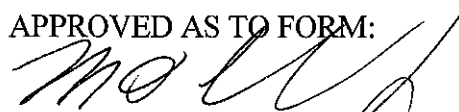
Kyle Van Buskirk, Commission President

ATTEST:



Jennifer M. Oh, City Clerk

APPROVED AS TO FORM:



Office of the City Attorney



	Yes	No	Absent
Commission President Kyle Van Buskirk	<u> x </u>	_____	_____
Commissioner Vice President Sandy Johnson	<u> x </u>	_____	_____
Commissioner Jason D. Joffe	<u> x </u>	_____	_____
Commissioner Michael S. Long	<u> x </u>	_____	_____
Commissioner Earl Maucker	_____	_____	<u> x </u>