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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: (Second Reading 6-7-11)
April 4, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to the
Miami-Dade Water & Sewer
Department; amending Sec.
32-154 of the Code; amending
the date by which backflow
preventers must be installed
for facilities of existing water
customers governed by Sec.
32-154(D)

Ordinance No. 11-35

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: June 7, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Alina T. Hudak
County Manager

A handwritten signature in black ink, appearing to read "Alina T. Hudak".

Subject: Ordinance amending Section 32-154 of the Code of Miami-Dade County to amend the date by which backflow preventers must be installed for facilities of existing water customers

The proposed ordinance extends the date by which backflow preventers must be installed; from January 01, 2012 to January 01, 2014. There will be no fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Susanne M. Torriente".

Susanne M. Torriente
Sustainability Director

Fis3111



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 7, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)

ORDINANCE NO. 11-35

ORDINANCE RELATING TO THE MIAMI-DADE WATER AND SEWER DEPARTMENT; AMENDING SECTION 32-154 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING THE DATE BY WHICH BACKFLOW PREVENTERS MUST BE INSTALLED FOR FACILITIES OF EXISTING WATER CUSTOMERS GOVERNED BY SECTION 32-154(D); PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, Miami-Dade County Code Chapter 32, Article VIII, Section 32-151 et seq. establishes the Cross Connection Control Program, which applies to all water customers of the Miami-Dade Water and Sewer Department and implements the provisions of Section 62-555.360 of the Florida Administrative Code, promulgated under the authority of Part VI of Chapter 403, Florida Statutes, by the Department of Environmental Protection; and

WHEREAS, in conjunction with the Cross Connection Control Program, Miami-Dade County Code Section 32-154(d) sets forth the type of backflow preventer required for various facilities and the date by which such backflow preventers must be installed at the various types of facilities within Miami-Dade County; and

WHEREAS, due to the state of the economy in the State of Florida and the United States as a whole, many water customers of the Miami-Dade Water and Sewer Department may not be able to comply with the deadline of January 1, 2012 for installation of backflow preventers set forth in Miami-Dade County Code Section 32-154(d); and

WHEREAS, this Board desires to give additional time to comply with Miami-Dade County Code Section 32-151 et seq.,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. The foregoing recital is incorporated in this resolution and is approved.

Section 2. Section 32-154 of the Code of Miami-Dade County, Florida is hereby amended as follows:¹

Sec. 32-154. Backflow Preventers Required.

Certain water customers of the Department shall install a backflow preventer as provided herein. Backflow preventers installed in the facilities listed in (c) and (d) below shall be tested by a certified backflow preventer tester.

- (a) Water customers who own or operate or use or engage in the types of businesses, facilities, substances, and activities listed in (c) and (d) below shall install an approved backflow preventer of the type indicated below at the service connection entering their property, within the deadlines listed herein. The same deadlines apply to installation of backflow preventers on Classes 3, 4 and 5 fire suppression systems, as defined in Section 32-155 serving the premises. New water customers who own or operate or use or engage in the types of businesses, facilities, substances, and activities listed in (c) or (d) below shall have an approved backflow preventer as a condition of issuance of building permits or of a certificate of occupancy, and the permanent installation of a water meter. This requirement is not limited to those facilities, premises, uses or situation listed herein but also applies to any others distinctly determined by the Department to require such protection. Failure to install a required backflow preventer as required herein, will result in civil penalties to be levied against the responsible party pursuant to Chapter 8CC of the Code of Miami-Dade County. In the event that the customer provides proof that a plumbing permit has been obtained from the applicable building department, and installs the required backflow preventer, within 90 days of notice of the violation, the Miami-Dade Water and Sewer Department may choose to waive the applicable penalties.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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(d) Backflow preventers shall be installed by existing water customers in the following facilities by ~~[[January 1, 2012]]~~ >>January 1, 2014.<<

Facility	Backflow Preventer
Agricultural premises, including livestock, poultry, and produce packing	RP
Aircraft plants and aircraft repair service	RP
Automotive manufacturing	RP
Automotive repair	RP
Auxiliary water supply present	RP
Brewery, winery, distillery	RP
Buildings with four stories or more above ground or with booster pumps	RP
Car washes	RP
Cold storage plant, dairy, ice manufacture	RP
Cooling system, space heating hot-water or steam boiler, single-wall heat exchanger, or double-wall heat exchanger supplied from the public water system	RP
Customer of any type with a history of inadequately protected cross-connections	RP
Film processing or manufacture	RP
Food processing facility, including cannery, packing house, rendering plant, reduction plant, and any industrial facility where animal or vegetable matter is processed; not including food preparation	RP
Health care facility: health maintenance organizations, offices of health care providers, dialysis centers	RP
Irrigation systems using potable water if no backpressure	PVB
If backpressure may exist	RP
Laboratory, including those within schools and other businesses	RP
Laundry or dry cleaner with processing facilities on site, excluding self-service Laundromats	RP
Marina, shipyard, boat storage or service facility, including piers and docks, where an outlet supplies water to vessels	RP
Metal manufacturing, cleaning, processing or fabricating plant	RP

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Motion picture studio where water is used for scene tanks or special effects	RP
Oil (animal, vegetable or mineral) or gas production, development, processing, blending, storage, refinery, transmission and/or tank maintenance, testing and repair	RP
Paper manufacturing or processing plant	RP
Premises with multiple interconnected service connections	RP
Premise located within an Industrial District (IU) zoned area	RP
Restricted access facility where testers are prohibited entry by law and/or which is exempt from the inspection provisions of the plumbing code	RP
Rubber (natural or synthetic) or rubber goods manufacture, excluding small molding or tire retreading operations	RP
Sand or gravel pit, classifying or processing plant	RP
Tanker type vehicles if feasible	AG
Otherwise	RP
Travel trailer and recreational vehicle parks	RP

* * *

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The Sections of this ordinance may be renumbered or relettered to accomplish such intention and the word “ordinance may be changed to “section”, “article” or other appropriate word.

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Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: June 7, 2011

Approved by County Attorney as to form and legal sufficiency.



Prepared by:

SED

Sarah E. Davis

Prime Sponsor: Commissioner Bruno A. Barriero