



AN ORDINANCE OF THE COUNTY COMMISSIONER OF BARTOW COUNTY SITTING FOR COUNTY PURPOSES FOR THE PURPOSE OF **ADOPTING AN ORDINANCE TO REGULATE WATER SERVICE; TO ESTABLISH PENALTIES FOR INTERFERENCE WITH WATER SERVICE; TO ESTABLISH WATER CONSERVATION RESTRICTIONS** AND FOR OTHER PURPOSES AT THE REGULAR MEETING OF THE COMMISSIONER OF BARTOW COUNTY HELD ON DECEMBER 17, 2003.

WHEREAS, Bartow County provides water service to the citizens of the County, and

WHEREAS, the Commissioner deems it to be in the best interest of the citizens of Bartow County to regulate the provision of such service, in order to protect the public health, safety and welfare, and

WHEREAS, the Commissioner deems it to be in the best interests of the citizens to adopt measures to establish water conservation restrictions;

NOW THEREFORE BE IT ORDAINED AND IT HEREBY IS ORDAINED, by virtue of the authority vested in the Commissioner by law that this, the “Bartow County Water Service and Conservation Ordinance” is adopted as follows:

BARTOW COUNTY WATER SERVICE AND CONSERVATION ORDINANCE

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I. WATER SERVICE

Section 1 Definitions

As used in this Ordinance, the following words have the specified meanings:

Commercial means any type of building other than residential.

Construction means the erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.

Private Facility means a water system providing drinking water to property owned only by a single owner. Examples would include a facility serving a single industrial site, or a facility serving a mobile home park where all lots are owned by a single owner.

Public Facility means a water system providing drinking water to more than one property owned by different owners.

Examples would include a facility serving an industrial park with several owners, or a facility serving a subdivision with separate homeowners.

Residential means any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

Superintendent means the Water Superintendent or a duly authorized representative.

User means a customer of the water system, or other person using the water system.

Section 2 Interference with County Property Prohibited

(A) All persons are prohibited from interfering with or disturbing in any manner or form, any water meters, switches, locks, cutoffs, corporation cocks or other appliances of the County, or to appropriate or use any water after service has been cut off or discontinued for the nonpayment of the charges therefore or for other cause. The head of the household or property owner involved shall be held responsible for the violation of this section. Tampering fees of up to five hundred dollars (\$500.00) shall be assessed where a meter has been disturbed, plus the fee for water used. The County reserves the right to remove a service where a meter has been tampered with and to refuse continued service to a property that has a history of violations of water service polices or Ordinances.

(B) Unauthorized operation of a County owned hydrant will result in a tampering fee of up to five hundred dollars (\$500.00), plus the fee for water used.

(C) A customer's water meter may be turned off and tagged for any violation of Bartow County Water Department Rules and Regulations or Standard Operating Polices and Procedures, which are incorporated herein by reference.

- (1) If the tag is tampered with then a padlock will be applied and the customer must pay a fifty dollar (\$50.00) tampering fee before service can be restored. For each subsequent tampering with any tag by the same customer (whether on the same or different property), the fee shall double, to a maximum of four hundred dollars (\$400.00) for the fourth and subsequent tag tampering violation.
- (2) If the padlock is removed or other means are used to gain water service, then the customer shall pay a one hundred dollar (\$100.00) tampering fee plus the cost of any damage to the lock, meter or meter setter. The meter will be removed until all monies due are paid, including any overdue bills. A cease and desist order shall be issued to the owner of record of the property served by the meter where the tamper has occurred. For each subsequent tampering with any padlock by the same customer (whether on the same or different property), the fee shall double, to a maximum of eight hundred dollars (\$800.00) for the fourth and subsequent lock tampering violation.
- (3) If, after removal of the meter, an alternative means of obtaining water service is attempted (such as a "jumper" or other means), then the water service will be removed and future service will be considered as if the tampered service never existed. The property owner shall have to apply for and pay for new service, which may or may not be granted, and shall have to pay a fee of one thousand dollars (\$1,000.00) prior to new service being granted.

(D) Bartow County reserves the right to refuse to provide service to any property that may not be in the best interest of the system, including property with a history of tampering with the meter (or other portions of the system), or a history of non-payment of bills, irregardless of identity of the owner of the property or the customer.

(E) Bartow County reserves the right to refuse to provide service to any customer that may not be in the best interest of the system, including customers with a history of tampering with the meter (or other portions of the system) on any property; a history of non-payment of bills to the Water Department on any account on any property; or having any

unpaid bill on any former Water Department account on other property.

Section 3 Title to extensions; refusal of extensions.

(A) Title to all waterline extensions shall vest in the County upon completion.

(B) The County shall reserve the right to refuse any extension of water service, or prescribe any additional conditions, if in its judgment the proposed extension would not promote the orderly, harmonious and efficient growth and development of the County and the urban area.

(C) The County shall reserve the right to refuse any extension of water service to any customer with outstanding balances due or outstanding fines due.

Section 4 Meters required; rates.

(A) No water shall be furnished to any premises except through meters and shall be charged at the established rates. Each premise or separate business must have a separate water meter. When a building is subdivided, a separate water meter must be provided for each unit.

(B) It shall be the responsibility of each developer or owner of property to bear the full expense of installing required service lines to and within the developer's or owner's property for the existing system in a manner as approved by the Bartow County Water Department.

Section 5 Resale or misuse prohibited.

(A) It shall be unlawful for any water consumer to sell or permit the regular use of water by any other person or for other uses than that applied for.

(B) New multiple water accounts are not permitted by the County. Any person making an illegal connection to a water account is subject to termination of water service and/or a tampering fee of up to one thousand dollars (\$1,000.00), as assessed by the Water Department, plus the fee for water used.

Section 6 Water rates.

Water rates shall be as established in the Bartow County Water & Sewer Rate Structure and Readiness-to-Serve Ordinance, as amended.

II. PRIVATELY-OWNED WATER SYSTEMS

Section 7 Private Facilities

Privately-owned private facilities are permitted, subject to approval by the Water Superintendent. All proposed private facilities that require permitting under the Federal Safe Drinking Water Act shall require approval by Bartow County prior to submission of permit application.

Section 8 Public Facilities

Public facilities that are privately owned are not permitted. Water systems that serve more than one property owner shall be allowed only as publicly-owned and operated systems. Furthermore, any permits for such facilities shall be issued to Bartow County as the appropriate government agency.

III. WATER CONSERVATION

Section 9 Purpose and intent.

The purpose of this Ordinance pursuant to O.C.G.A. Sections 8-2-1 to 8-2-3 is to impose water conservation restrictions; to provide definitions; to provide exemptions; to provide for penalties; to provide for related matters; to repeal any conflicting Ordinances, and for other purposes.

Section 10 Application.

The requirements of Section 11(A) herein shall apply to any residential construction initiated after January 1, 2003 and to any commercial construction initiated after January 1, 2003, which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes replacement of toilet or showers or both.

Section 11 Restrictions.

(A) Construction Restrictions. On or after January 1, 2003 no construction may be initiated within the County for any residential building of any type which:

- (1) Employs a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of one and six-tenths (1.6) gallons of water per flush;
- (2) Employs a showerhead that allows a flow of more than an average of two and five-tenths (2.5) gallons of water per minute at sixty (60) pounds per square inch of pressure;
- (3) Employs a urinal that uses more than an average of one (1.0) gallon of water per flush;
- (4) Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than two (2.0) gallons of water per minute; or
- (5) Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than two and five-tenths (2.5) gallons of water per minute.

(B) Irrigation systems. All new irrigation systems, both residential and non-residential, shall have installed a rain sensor irrigation shut-off switch to prevent operation of the system during or within six (6) hours after an adequate rain event. "Adequate rain event" shall mean at least one-half inch of rainfall.

(C) Conservation. The Bartow County Water & Sewer Department Superintendent, with the concurrence of the Commissioner, is authorized to implement special water conservation measures, on a case-by-case basis, during times of drought, low stream flows, interruptions in the raw water supply due to breaks or contamination; inability of the filter plants to meet demand; excessive losses or demands in the distribution system due to breaks, fires or other causes; restrictions imposed by suppliers or the State, contamination in the finished water; or any other purpose for which the curtailed use of water might be reasonably required in the best interest of the public health, safety and welfare as determined by the Commissioner. The water conservation measures may include restrictions or prohibitions on nonessential uses such as swimming pool filling; watering of lawns and gardens; washing of motor vehicles; recreational uses; and other uses which the Superintendent may deem to be nonessential. The type, nature, degree, commencement and duration of restrictions or prohibitions shall be determined by the Superintendent, with the concurrence of the Commissioner. Notice of the restrictions or prohibitions shall be publicized in such a manner as to provide adequate notice to the water customer including, but not limited to, inclusion on the customer's water bill. The violation of the restriction or prohibition shall be punished as recommended by the Superintendent and approved by the Commissioner;

Section 12 Exemptions.

(A) New construction and the repair or renovation of any existing building shall be exempt from the requirements of Section 11(A) of this Ordinance when:

- (1) The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or showerheads within such existing building;
- (2) When such plumbing or sewage system within such existing building, because of its capacity, design or installation would not function properly if the toilets, faucets or showerheads required by this Ordinance were installed;
- (3) Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or
- (4) When units to be installed are:
 - a. Specifically designed for use by the handicapped;
 - b. Specifically designed to withstand unusual abuse or installation in a penal institution; or
 - c. Toilets for juveniles.

(B) The owner or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in Subsection (A)(2) to (4) above shall obtain the exemption by applying at the office of the Building Inspector. An inspection fee of twenty-five dollars (\$25.00) shall be charged for the inspection and issuance of such exemption.

Section 13 Effective date.

On or after January 1, 2003, there shall be no construction of any commercial building initiated within the County for any commercial building of any type which does not meet the requirements of Section 11, Subsections (1) through (5).

IV. CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION

Section 14 Cross-connection control and backflow prevention.

(A) Purpose and intent. The purpose of this section is to protect the County's public potable water supply from actual or possible contamination or pollution by isolating within the customer's internal distribution system or the customer's private water system such contaminants or pollutants which could backflow into the public water system. This section also provides for the maintenance of a continuing program of cross-connection control with the goal of systematically and effectively preventing contamination or pollution of the County's water system by containment.

(B) Definitions. In this section:

- (1) *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 flood level (overflow) rim of such vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the overflow rim of the vessel; and in no case less than one inch.

- (2) *Approved* means accepted by the Superintendent as meeting applicable specifications stated or cited in this section or as the Superintendent, in his or her discretion, finds suitable for the proposed use.
- (3) *Approved backflow prevention device* means a device that has been manufactured in full conformance with the standards established by the American Water Works Association entitled "AWWA C506-78 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices," and has met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California established by the publication "Specifications of Backflow Prevention Devices #69-2" dated March, 1969 or the most current issue thereof. Any device where approval is required by the Fire Marshal's office shall be listed for fire protection use as required by the National Fire Protection Association Codes, as may be amended from time to time.
- (4) *Approved tester* means a person holding a currently valid certification recognized by the state environmental protection division.
- (5) *Auxiliary water supply* means any water supply on or available to the premises other than the County's approved public water supply. These auxiliary waters include, but are not limited to, water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, harbor, etc., or used waters or industrial fluids. These auxiliary waters may be contaminated, polluted or constitute an unacceptable water source over which the County does not have sanitary control.
- (6) *Backflow* means the reversal of the normal flow of water caused by either back-pressure or back-siphonage.
- (7) *Backflow preventer* or *backflow prevention device* means a device, process or means designed to prevent backflow.
- (8) *Back pressure* means the flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than the intended source.
- (9) *Back-siphonage* means the flow of water or other liquids, mixtures or substances into the distribution system, as 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.
- (10) *Check valve* means a valve that is drip-tight in the normal direction of flow when the inlet pressure is at least one psi (pound per square inch) and the outlet pressure is zero, permitting no leakage in a reverse direction to the normal flow. The closure element of the valve is internally loaded to promote rapid, positive closure. Comprises only one component of a backflow prevention assembly.
- (11) *County* means Bartow County and/or the Bartow County Water System.
- (12) *Contamination* means any impairment of the quality of the County's potable water by the introduction or admission of any foreign substance, including but not limited to sewage, industrial fluids or waste liquids, compounds or other materials, to a degree which degrades the quality of the potable water and creates an actual or potential hazard to the public health through poisoning or through the spread of disease.
- (13) *Cross-connection* means any actual or potential physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other nonpotable water or industrial fluids of questionable safety, through which, or because of which,

backflow may occur into the potable water system. Alternatively, it is a connection or potential connection between any part of a potable water system and any other environment containing other substances in a manner that might allow such substances (such as gasses, liquids, or solids) to enter the potable water system and to affect the water's taste, color or odor. This term includes, but is not limited to, any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or changeover devices or sliding multiport tubes.

- (14) *Cross-connections, controlled* means a cross-connection that has an approved backflow prevention device properly installed and maintained so that it will continuously afford protection commensurate with the degree of hazard.
- (15) *Cross-connection control by containment* means any of the following:
 - a. *At service connection*: The installation of one approved backflow prevention device at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control any or all actual or potential cross-connections within the customer's water system.
 - b. *After service connection*: The installation of an approved backflow prevention device on the service line leading to and supplying all or a portion of a customer's water system where there are actual or potential cross-connections within the customer's premises which cannot be effectively eliminated or controlled at the point of the cross-connection.
- (16) *Customer*. Any owner of premises receiving County water system service or any end-user thereof, including any and all persons, natural or artificial, including any individual firm, association or trust and any municipal or private corporation organized or existing under the laws of this or any other state or country.
- (17) *Department* means the Bartow County Water System.
- (18) Reserved.
- (19) *Double check valve assembly* means an assembly of two independently operating approved check valves with tightly closing shutoff valves on each end of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications as determined by a laboratory and field evaluation program resulting in current approval of a recognized and approved testing agency for backflow prevention assemblies. To be approved, these devices must be readily accessible for inline testing and maintenance.
- (20) *Hazard, degree of* is a term evaluating the potential risk to public health based on available information and categorization of potential sources of contamination or pollution and the adverse effect of the contamination or pollution upon the potable water system.
- (21) *Hazard, health* means any condition, device, or practice affecting the water supply system and its operation which creates or could create, or in the judgment of the Superintendent, may create a present or future danger to the health and well-being of the water consumer or the County's potable water supply.
- (22) *Hazard, pollutional* means an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable as to taste, odor or color or could cause damage to the system or its appurtenances, but would not necessarily be dangerous to the health of the water consumer.

- (23) *Hazard, system* means an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system. A pollution or contamination which would have a protracted effect on the quality of the potable water system.
- (24) *Industrial fluids system* means any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted, in a form or concentration such as would constitute a health, system or pollutional hazard if introduced into an approved water supply. This may include, but not be limited to: Polluted or contaminated waters; process waters and "used waters" originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies, circulating cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; oils, gases, glycerin, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for firefighting purposes; or contaminated natural waters emanating from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems.
- (25) *Pollution or polluted* means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade the water's quality so as to constitute a hazard or 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's domestic use.
- (26) *Reduced pressure principle device* means an assembly of two independently-acting, approved check valves together with a hydraulically operating, mechanically independent pressure relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located test cocks and tightly closing shutoff valves at each end of the assembly. The entire assembly shall meet the design and performance specifications as determined by a laboratory and a field evaluation program resulting in current approval by a recognized and approved testing agency for backflow prevention assemblies. The assembly shall operate to maintain the pressure in the zone between the two check valves at an acceptable level less than the pressure on the public water supply side of the device. At cessation of normal flow the pressure between the two check valves shall be less than the pressure on the public water supply side of the device. In the event that either of the check valves leak, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved, these devices must be readily accessible for in-line testing and maintenance and be installed in a location where no part of the device will be submerged.
- (27) *Water, nonpotable* means water which is not safe for human consumption or which is of questionable potability.
- (28) *Water, potable* means any water which, according to recognized standards, is safe for human consumption.
- (29) *Water purveyor* means a supplier of water, including property owners supplying water for their own use.
- (30) *Water service connection* means the terminal end of a service connection from the public potable water system (i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system). If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. "Service connection" shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.
- (31) *Water system* means the County water system and the customer's water system, where not specifically limited as such. The department system shall consist of the source facilities and the distribution system

and shall include all those facilities of the water system under the complete control of the department, up to the point where the customer's system begins (at and including the water meter and any required backflow prevention devices used in conjunction therewith). The source facilities shall include all components of the facilities used in the production, treatment, storage, and delivery of water to the distribution system. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system. The customer's system shall include those parts of the facilities beyond the termination of the department's distribution system which are used in conveying department-delivered domestic water to points of use.

- (32) *Water, used* means any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.

See also Georgia Rules for Safe Drinking Water, § 391-3-5-.13(4); Manual of Cross-Connection Control, 9th ed., University of Southern California, 1993; Recommended Practice for Backflow Prevention and Cross Connection Control, American Water Works Association Manual of Water Supply Practices, Manual 14, 2nd Ed., 1990; Cross-Connection Control Manual, United States Environmental Protection Agency, June 1989.

(C) Duties.

- (1) Department. The Superintendent shall be primarily responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the public potable water service connection. Where appropriate, the department shall coordinate with other County departments, such as building inspections, the Fire Department and the County Board of Health, to promulgate and enforce laws, rules, regulations and policies to be followed in controlling cross-connections.
- a. *Program implementation and execution.* The department shall initiate a backflow prevention program and emergency plan designed to ensure that customers install, test and maintain approved backflow prevention devices where needed to protect the public water supply from potential and actual hazardous sources of cross-connection. The department shall list, categorize, and prioritize for assessment potential sources of contamination or pollution by the degree of hazard they present to the public water supply. The department shall assess a customer's system by inspecting the customer's system, including cross-connections and devices used, and using all information available to determine whether all appropriate devices are installed and maintained in proper working order. The department shall map and schedule inspections of installed devices and premises to ensure all devices continue to be installed and maintained in proper working order.
- b. *Discretion.* The Superintendent shall use discretion, based on the Georgia Rules for Safe Drinking Water and on the County's policy and procedures for backflow and back-siphonage prevention and cross-connection control to determine whether the type of existing or proposed devices are sufficient to meet the threat of potential hazard to the County's potable water supply.
- c. *Right to enter and to test.* Pursuant to Section 16 of this Ordinance, the Superintendent, or the Superintendent's authorized representative shall have the right to enter and to test, at any reasonable time, a customer's premises to inspect the piping system or systems thereof for cross-connections and compliance with the County's backflow prevention Ordinance and policy. On request, the customer or occupant of any property so served shall furnish to the inspections agency any pertinent information regarding the piping system or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. Pursuant to Section 17,

the department is authorized to seek an inspection warrant when a customer or occupant of premises refuses access.

- d. *Notice.* If, in the judgment of the Superintendent, an approved backflow prevention device is required at the customer's water service connection, the Superintendent or his designated agent shall give notice in writing to the customer to install such an approved backflow prevention device at the service connection or where appropriate.
- e. *Discontinuance of water service.* The Superintendent has the authority to discontinue water service to the premises until the requirements of this Section have been satisfactorily met.
- f. *Notice to authorities.* The department shall contact all appropriate federal, state and local agencies, including the County Board of Health, upon a finding of possible contamination or pollution of the County's potable water supply.

- (2) Customer. The customer shall immediately install approved backflow prevention device(s) as required and directed by the department at the customer's own expense. The customer has the duty to maintain approved backflow prevention device(s) at all times. If a device so requires, the customer shall have the device tested annually or whenever deemed necessary by the department. The customer shall retain and provide testing results performed by an approved tester to the department as requested. Failure, refusal or inability on the part of the customer to install, have tested and maintain the device or to report testing results shall subject the customer to the enforcement provisions of this Ordinance.

(D) Requirements. The following requirements are part of the department's policy for protection of the water supply:

- (1) Protection. No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state laws and regulation and this Ordinance. Service of water to any premises shall be discontinued by the water purveyor if a backflow prevention device required by this Section is not installed, tested and maintained at the customer's expense, or if it is found that a backflow prevention device has been removed or bypassed. Service will not be restored until such conditions or defects are corrected.
 - a. *Accessibility.* The customer's system shall be readily accessible and open for inspection at all reasonable times to authorized representatives of the department to determine whether cross-connections or other structural, sanitary contamination or pollution hazards, including violations of these regulations, exist. Reduced pressure backflow prevention devices and assemblies shall be readily accessible and installed in such a manner as to prevent partial or total submergence of the device or assemblies. Pit installations are prohibited. The County shall have the right to inspect and test the backflow prevention device or devices on an annual basis or whenever deemed necessary, at the customer's expense. Upon a customer's failure to provide access, the department shall be authorized to seek an inspection warrant.
- (2) Notice. When such a condition becomes known, but does not constitute an emergency, the Superintendent or his designate agent shall give notice in writing to such customer to install such an approved backflow prevention device at his service connection.
- (3) Emergency hazards. When the County becomes aware of an actual emergency condition, the County water system and/or the department of public safety shall be authorized to isolate or contain the hazard or take any steps necessary to protect the public water supply. The department taking action shall give notice to the customer as soon as is reasonable, practical under the circumstances.

- (4) Installation. An approved backflow prevention device appropriate to the degree of hazard shall also be installed by the customer at the customer's expense on each service line to a customer's water system at or near the property line or immediately inside the building being serviced but, in all cases, before the first branch line leading off the service line whenever any the following conditions exist:
- a. When premises have an auxiliary water supply which does not or may not have a safe bacteriological or chemical quality and which is not acceptable as an additional source by the Superintendent.
 - b. When premises upon which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system. This shall include the handling of process waters and waters originating from the utility system which have been subject to deterioration in quality.
 - c. When premises have internal cross-connections that cannot be permanently corrected and controlled, or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist.
 - d. When premises contain any service connection $\frac{3}{4}$ inches or larger in diameter.
- (5) Types of devices required or prohibited. The type of protective device required shall be provided by and at the expense of the customer and shall depend upon the degree of hazard on premises.
- a. The public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device whenever any the following conditions exist:
 1. Where there is an auxiliary water supply (unless it is already subject to another rule requiring a protective device).
 2. Where there is any health hazard which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device, at the expense of the owner of the premises. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants.
 3. Where there are uncontrolled cross-connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device at the service connection, at the expense of the owner of the premises.
 4. Where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey or inspection, the public water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced pressure principle backflow prevention device on each service to the premises, at the expense of the owner of the premises.
 - b. The public water system shall be protected by an approved air-gap separation or an approved double check valve assembly whenever any of the following conditions exist:

1. Where there is water or a substance that would be objectionable but not hazardous to health if introduced into the public water system.
 - c. Any backflow prevention device required herein shall be of a model and size approved by the Superintendent. In addition, if a device is installed such that it directly affects fire hydrants, standpipes and/or sprinkler systems, the County Fire Marshal's office must approve the device prior to installation.
 - d. The customer shall install an approved thermal expansion relief device in the customer's water system whenever a backflow prevention device is installed.
 - e. Unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer's water system shall be prohibited.
- (6) Effective dates.
- a. *Section.* This section shall become effective immediately upon approval by the Commissioner.
 - b. *Compliance.* Customers with pre-existing cross-connections, auxiliary intakes, bypasses, or interconnections in violation of this policy shall have a reasonable time to comply with the Superintendent's order to install an approved backflow prevention device. After a thorough investigation of existing conditions and an appraisal of the time required to install an approved device, the deadline for compliance shall be determined by the Superintendent.

V. COMPLIANCE MONITORING; ADMINISTRATIVE ENFORCEMENT

Section 15 Enforcement; penalty.

- (A) This Ordinance shall be enforced by the office of the Building Inspector of Bartow County, by the Superintendent, and by officials of the Water Department. Citations for violations may be issued by the Superintendent, the Building Inspections department, the water department, or the Sheriff's Department at the direction of the building official or the Water Superintendent.
- (B) Any person, corporation, partnership or other entity violating this Ordinance shall be tried before the Magistrate Court of the County. Upon conviction, a violation of this Ordinance may be punished by fine of up to \$125.00 for the first occurrence, \$250.00 for the second occurrence, and \$500.00 for the third and subsequent occurrences, unless otherwise specified. The Magistrate Court shall also be empowered to award restitution costs, costs of damages to water service and meters, and unpaid bill amounts, in addition to the fines listed above.
- (C) Tampering fees may be assessed as specified by the Water Superintendent, and water service may be withheld until such fees are paid, along with prior overdue bills. The Magistrate Court shall also be empowered to impose any unpaid tampering fee as a fine, in addition to the fines listed above.
- (D) All persons are prohibited from interfering with or disturbing in any manner or form, any water meter, fire hydrant, locks, cutoffs, corporation cocks, or other appurtenances of the water system or to appropriate or use any water without first contracting with the system for such use or after service has been cut off or discontinued for the nonpayment of the charges therefore or for other cause. Any person violating this provision shall be assessed a tampering fee of five hundred dollars (\$500.00), unless otherwise specified in this Ordinance.

Section 16 Inspection, Entry of Premises.

The Superintendent, and other authorized representatives of state and federal regulatory agencies, shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Ordinance and any permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, observation, measurement, sampling, records examination and copying, and the performance of any additional duties. The Superintendent shall also have the right to enter all private properties through which the County holds a utility easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the water and/or wastewater facilities lying within such easement. All entry and subsequent work on such easement shall be done in full accord with the terms of the utility easement pertaining to such property.

- (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The Superintendent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- (3) The Superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the user.
- (5) Unreasonable delays in allowing the Superintendent access to the user's premises shall be a violation of this Ordinance.

Section 17 Search Warrants; Inspection Warrants.

If the Water Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is need to inspect and/or sample as part of a routine inspection and sampling program of the County designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Superintendent may seek issuance of a search warrant or inspection warrant from the Magistrate or Superior Courts of the County.

Section 18 Cease and Desist Orders; Assessment of Violation Fees.

(A) When the Superintendent finds that a user has violated, or continues to violate, any provision of this Ordinance, or any permit or order issued hereunder, or that the user's past violations are likely to recur, the Superintendent may issue an order to the user and/or owner directing them to cease and desist all such violations and directing the user and/or owner to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation.

(B) Issuance of a cease and desist order shall not be a bar against, or prerequisite for, taking any other action against the user. Failure to comply with a cease and desist order shall subject the user to having water service removed or cut-off.

(C) When the Superintendent finds that a user has violated, or continues to violate, any provision of this Ordinance, the Superintendent may impose a violation fee on such user in an amount not to exceed five hundred dollars (\$500.00), per day, unless other fee is specified in the Ordinance. Such fees shall be assessed on a per-violation, per-day basis.

(D) Users desiring to dispute cease and desist orders or fees must file a written request for the Superintendent to reconsider the order or fee (along with full payment of the fee amount) within thirty (30) days of being notified of the order or fee. Where a request has merit, the Superintendent may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fee.

(E) Assessment of a fee shall not be a bar against or a prerequisite for taking any other action against the user.

Section 19 Unpaid Charges and Fees.

Unpaid charges, fees (of any sort), and penalties shall, after fifteen (15) calendar days, be assessed an additional penalty of fifteen (15) percent of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half (1 1/2) percent per month. A lien against the user's property will be sought for unpaid charges, fines and penalties. Water service may be cut-off until all such fees and charges are paid in full.

Section 20. Termination of service; creation of lien for unpaid amounts; interest

In addition to, or in lieu of, taking any other action available under this Ordinance, in order to enforce the operation of this Ordinance, the County shall have the power and authority to enter upon the property of any user who has violated any provision of this article following issuance of a cease and desist order (as provided in Section 18) to terminate the user's wastewater and/or water service in any manner deemed necessary and appropriate by the County. In the event of such termination under this Section, the County shall retain all rights to collect unpaid bills or amounts owed by the terminated user according to law or other provisions of this Ordinance. Such rates or charges, if not paid when due, shall constitute a lien upon the premises served. Past due amounts shall bear interest at the same rate as would unpaid ad valorem taxes.

VI. JUDICIAL ENFORCEMENT REMEDIES

Section 21 Injunctive relief.

When the Superintendent finds that a user has violated, or continues to violate, any provision of this Ordinance, or any permit or order issued hereunder, the Superintendent may petition the Superior Court through the County's attorney for the issuance of temporary or permanent injunction, as appropriate. The Superintendent may also seek restitution, and shall be entitled to attorney's fees for bringing any successful action wherein relief is granted. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

Section 22 Remedies nonexclusive.

The remedies provided for in this Ordinance are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant user.

BE IT FURTHER ORDAINED that all Resolutions and Ordinances in conflict herewith are hereby repealed provided, however, that any portion of said Resolutions or Ordinances not in conflict herewith shall remain in full force

and effect.

SO ADOPTED this 17th day of December, 2003.

ATTEST:

BARTOW COUNTY, GEORGIA

Lane McMillan, Clerk

Clarence Brown, Commissioner