



ORDINANCE NO. 2008- 32

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NO. 97-33; AS CODIFIED IN SECTIONS 134-121 THROUGH 134-135, KNOWN AS THE COLLIER COUNTY CROSS-CONNECTION CONTROL /BACKFLOW PREVENTION ORDINANCE; BY UPDATING FINDINGS; UPDATING AND ADDING DEFINITIONS; UPDATING OPERATION POLICY AND REQUIREMENTS; UPDATING PROGRAM RESPONSIBILITIES; UPDATING BACKFLOW PREVENTION SYSTEMS; UPDATING BACKFLOW PREVENTION SYSTEM DESIGN; UPDATING SERVICE AND REPORTING; UPDATING TECHNICAL IMPLEMENTATION; DELETING PROGRAM FUNDING; CLARIFYING PENALTIES; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Collier County Ordinance 97-33, known as the Collier County Cross-Connection Control/Backflow Prevention Ordinance was adopted to establish a cross-connection control program as required by Florida Administrative Code Rules 62-555.360, and 62-610.470; and

WHEREAS, establishment and maintenance of a cross-connection control program is a condition and requirement of operating permits issued by the Florida Department of Environmental Protection to the Collier County Water-Sewer District and Goodland Water District; and

WHEREAS, the Board of County Commissioners of Collier County, Florida, (“Board”) has previously found it to be in the best interest of the public to have a County operated and maintained cross-connection control program to monitor hazards to the County’s Public Water System and to protect the public health, safety, and welfare by providing for, among other things, the installation, ownership, repair and testing of backflow prevention assemblies.

WHEREAS, on April 8, 2008 at a regularly noticed meeting as Item 16 C 1 the Board directed Public Utilities staff to develop this Ordinance to, among other things, amend certain definitions, update references, delete program funding and clarify penalty provisions; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: Amendment to SECTION TWO, Subsections A. and B. of Collier County Ordinance No. 97-33, codified as Sections 134-122 (1) and (2) of the Collier County Code of Laws and Ordinances follows:

SECTION TWO: FINDINGS.

The Board of County Commissioners hereby makes the following findings:

A. That Florida Administrative Code Rules 62-555.360 and ~~62-610.470~~ 62.610. 469(7) requires all community water systems to establish a cross-connection control program to detect and prevent cross-connections that create or may create an imminent and substantial danger to public health and safety.

B. That the Collier County Water-Sewer District and the Goodland Water District are community water systems as defined by Florida Administrative Code Rule 62-550.200(12).

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SECTION TWO. Amendment to SECTION THREE, of Collier County Ordinance No. 97-33, codified as Sections 134-123 of the Collier County Code of Laws and Ordinances follows:

SECTION THREE: DEFINITIONS.

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Auxiliary Water Supply means any water supply on or available to a facility other than the County's Water System., which is not permitted by the Florida Department of Environmental Protection and over which the County does not have sanitary control. Auxiliary water supplies may include water from another public water supply, any natural source such as a well, spring, river, stream, harbor or used water, Reclaimed Water, irrigation quality (IQ) water, or Industrial Fluids.

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Division or Article means Collier County Ordinance No. 97-33 as now or hereafter amended, which is codified as Division 4 of Chapter 134 of the County's Code of Laws and Ordinances.

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Irrigation Quality Water (IQ) water means water other than potable water which meets all of the Florida and local regulatory requirements as mandated by the Florida Department of Environmental Protection (FDEP) permits and the Florida Administrative Code (F.A.C.).

* * * * *

Reclaimed Water means ~~any source or supply of water which contains in part or entirety~~ water from a wastewater treatment facility in excess of 10 percent water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility.

Reduced Pressure Zone Principle Assembly (RPZ), Approved means an assembly containing two independently acting approved check valves with replaceable seats together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located and approved testcocks and tightly closing and approved shut-off valves at each end of the assembly. Only those reduced pressure principle assemblies (~~RPZ~~) approved by the Foundation for Cross-Connection Control and Hydraulic Research (FCCC) and by the Department are acceptable for installation.

Reduced Pressure ~~zone~~ Principle Detector Assembly (RPZD), Approved means an assembly containing two independently acting approved check valves with replaceable seats together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located and approved testcocks and tightly closing and approved shut-off valves, at each end of the assembly. A bypass arrangement consisting of an approved water meter and an approved reduced pressure principle detector assembly shall be incorporated into the mechanism. Only those reduced pressure ~~zone~~ principle detector assemblies (RPZD) approved by the Foundation for Cross-Connection Control and Hydraulic Research (FCCC) and by the Department are acceptable for installation.

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SECTION THREE: Amendment to SECTION FOUR, Subsection A. of Collier County Ordinance No. 97-33, codified as Sections 134-124 (a) of the Collier County Code of Laws and Ordinances follows:

SECTION FOUR: OPERATION POLICY AND REQUIREMENTS.

A. *Operation Policy.*

* * * * *

3. An approved and appropriate backflow prevention assembly shall be installed as part of each Service Connection wherever and whenever any of the following conditions exist beyond the Service Connection:

a. An Auxiliary Water Supply exists, ~~that is not maintained or permitted by the Department of Environmental Protection~~

b. Industrial Fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard of any kind to the County's Water System.

c. Internal plumbing or piping arrangements are not known, making it impracticable or impossible to ascertain whether or not Cross-Connections exist.

d. A commercial facility and/or multi-family development exists.

4. The type of backflow prevention assembly required shall depend upon the degree of hazard that may exist as follows:

a. In cases where there is a surface water auxiliary supply, the County's Water System shall be protected by an approved Air Gap Separation or an approved ~~double check valve assembly~~ reduced pressure principle backflow prevention assembly.

b. In cases where there is a ground water Auxiliary Water Supply, the County's Public Water System shall be protected by an approved reduced pressure principle backflow prevention assembly.

c. In cases where there are any substances that would be objectionable, but not hazardous to health, the County's Water System shall be protected by an approved ~~double check valve assembly~~ reduced pressure principle backflow prevention assembly.

d. In cases of a facility, where material is stored or handled so as to create an actual or potential hazard of any kind to the County's Public Water System, the Public Water System shall be protected by an approved air-gap separation or approved reduced pressure principle backflow prevention assembly.

e. In cases of any facility, where because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete

Cross-Connection survey, the County's Public Water System shall be protected against backflow by either an approved Air Gap Separation or an approved reduced-pressure principle backflow prevention assembly.

f. In cases of any facility, where the Department determines an undue health threat is posed because of the presence of extremely toxic substances, the Department may require an air gap at the Service Connection to protect the County's Public Water System.

5. Any required backflow prevention assembly and its configuration shall be as specified by this Ordinance, the Collier County Utility Standards and Procedures Ordinance, Ordinance No. ~~97-17~~ 04-31, any amendments or successors thereto and the Department's Administrative and Operational Procedures.

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SECTION FOUR: Amendment to SECTION SIX, Subsection C. of Collier County Ordinance No. 97-33, codified as Sections 134-126 (c) of the Collier County Code of Laws and Ordinances follows:

SECTION SIX: PROGRAM RESPONSIBILITIES

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C. The Department (privately owned assemblies).

(1) The Department shall review and approve the data submitted by Facility Owners for the installation, repairs and overhauls of privately owned assemblies required under this Ordinance or that were existing as of the effective date of this Ordinance.

(2) The Department shall have the authority to prohibit a Service Connection or order the disconnection of service to any connection where:

a. Any kind of hazard exists to the County's Public Water System.

b. The Facility Owner fails to install, operate and maintain an approved and appropriate backflow prevention assembly in accordance with this Ordinance.

c. The Department may inspect all new backflow assembly installations for compliance with this Ordinance, the Collier County Utility Standards and Procedures Ordinance, Ordinance No. ~~97-17~~ 2004-31 and any amendments or successors thereto, the then current edition of the AWWA Manual M-14, Second

~~Edition~~ and other applicable Department Administrative and Operational Procedures.

d. The Department shall accept for review only those Cross-Connection survey reports as performed by the Facility Owner on the Department's self-evaluation forms or performed by a certified Cross-Connection control survey inspector or professional engineer.

e. The Department shall accept for review only those initial certification tests, scheduled tests, overhauls, repairs, and replacement reports for any backflow prevention assembly performed by a certified technician from the Department's Approved List.

~~f. The Department shall establish a schedule acceptable to the Florida Department of Environmental Protection under which all existing facilities will be brought into compliance with the terms of this Ordinance~~

f. The Department shall compile and maintain all significant data resulting from reports submitted under this Ordinance.

~~h.~~ g. The Department shall require additional data on any report as deemed necessary, prudent or helpful in the execution of this Ordinance.

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SECTION FIVE: Amendment to SECTION SEVEN, Subsections A and B of Collier County Ordinance No. 97-33, codified as Sections 134-127 (a) and (b) of the Collier County Code of Laws and Ordinances follows:

SECTION SEVEN: BACKFLOW PREVENTION SYSTEMS.

A. *Approved Backflow Prevention Assemblies.* An approved backflow prevention assembly under this Ordinance is one that meets those standards set forth by the American Water Works Association (AWWA), the American Society of Sanitary Engineers (ASSE) and the Foundation for Cross-Connection Control and Hydraulic Research (FCCC), and is published as approved in the FCCC's list of Approved Backflow Prevention Assemblies. For assemblies owned by the County, the County reserves the right to limit the number of model(s) of approved assemblies for purposes of standardization and conformity to system conditions. Approved assemblies shall have the following features.

- (1) Shall be testable in line.

- (2) Shall be repairable in line.
- (3) Shall have approved shut-off valves located at each end of the backflow preventer.
- (4) Shall be supplied with ammonia resistant silicone disc's or other material having the same ammonia resistant properties and approved by the Department.
- (5) Shall have:
 - a. Resilient seated (wedge), full-flow shut-off valves (or resilient seated, full-flow ball valves) on sizes two (2) inches or smaller that shall be marked with:
 1. The manufacturer's name or symbol;
 2. Nominal size of valve;
 3. Model number;
 4. Working pressure.
 - b. Resilient seated testcocks with:
 1. An operating stem, which must indicate if the testcock is open or closed;
 2. The operating stem on a ball valve type of testcock must be blow-out proof;
 3. The materials specified as bronze or approved equal.
- (6) The assembly (itself) shall contain the following minimum markings:
 - a. The manufacturer's name or symbol;
 - b. The type of assembly;
 - c. Assembly size;
 - d. Assembly model number;
 - e. Assembly serial number;
 - f. Rated working water pressure;
 - g. Direction of flow.
- (7) No backflow prevention assembly shall be installed under this Ordinance unless spare parts are represented by the manufacturer to be available for a minimum of seven (7) years from date of installation.

B. *Hazard Classifications.* Unless otherwise specified by this Ordinance, the Department shall use the American Water Works Association (AWWA) standards and guidelines in determining all classifications of hazards (whether actual or potential). Single family facilities shall be evaluated on a case-by-case basis. To the extent such residential

facilities do not have auxiliary water sources or other types of systems or operations on-site which would classify the system as hazardous, a backflow prevention assembly shall not be required. Multifamily facilities with a single Service Connection or individual Service Connections having an auxiliary water or other types of systems or operations on-site that would classify the system as hazardous shall have an RPZ assembly installed as required by this Ordinance.

SECTION SIX: Amendment to SECTION EIGHT of Collier County Ordinance No. 97-33, codified as Sections 134-128 of the Collier County Code of Laws and Ordinances follows:

SECTION EIGHT: BACKFLOW PREVENTION SYSTEM DESIGN.

A. All Facilities.

- (1) The design shall be consistent with the standards and specifications found in the Collier County Utility Standards and Procedures Ordinance, Ordinance No. 97-17 2004-31 and any amendments or successors thereto, and the Department's operational and administrative procedures.
- (2) The design shall utilize AWWA standards and guidelines and FCCC approved backflow prevention assemblies (latest edition) unless otherwise specified by this Ordinance or the Department's administrative and operational procedures.
- (3) Backflow prevention assemblies shall be designed as part of the County's Service Connection, unless otherwise approved by the Department.
- (4) The Facility Owner shall be responsible for determining if the Facility's System requires an uninterrupted supply of water that would be adversely affected by routine maintenance or other activities involving the backflow prevention assembly. The Facility Owner shall be responsible for installing or requesting a parallel backflow prevention assembly. In such instances, two (2) approved backflow prevention assemblies of the same manufacturer, size and model numbers shall be installed.
- (5) A minimum side distance of one and one-half (1.5) feet from any and all, fixed aperture, or landscaping. Backflow devices must be left accessible to County employees at all times, this may pose or present a violation of health, safety, and welfare. An entry way of at least three (3) feet in width must be

maintained by property owner. Dangerous and/or dense underbrush will be trimmed to a “margin of safety” by County employees and a charge determined by the County will be billed to property owner.

B. *Existing facilities only.*

(1) *Residential (Single Family).* If an actual hazard as defined in this Ordinance poses a threat to the County Public Water System, an approved backflow prevention assembly shall be installed.

(2) *Other facilities.* These facilities include, but are not limited to commercial, industrial, and multi-family residential facilities. Where actual or potential hazards are identified, an approved backflow prevention assembly shall be installed. In some instances, it may be difficult or impossible to accurately determine such a facility’s Cross-Connection status because plumbing plans of the facility’s potable water system are non-existent, unreliable or unobtainable. In some instances where a Cross-Connection survey is not feasible, an Air Gap Separation or reduced pressure ~~device~~ assembly shall be installed based upon the degree of hazard.

C. *Installation requirements.*

1. All installations shall be consistent with the Department’s administrative and operational procedures.

a. All approved backflow prevention assemblies shall be installed above final finished grade, unless otherwise approved by the Department, and shall be consistent with the Department’s administrative operational procedures.

~~a.b.~~ All approved backflow prevention assemblies for commercial, industrial and multi-family facilities shall be installed above final finished grade, unless otherwise approved by the Department.

~~b.c.~~ Residential double check Backflow assemblies may be installed below grade in an enclosure specified or acceptable to the Department.

~~e.d.~~ Residential Reduced Pressure assemblies shall be installed above final finished grade.

~~3.2.~~ Backflow prevention assemblies shall not be installed above final finished grade in any type of vault, unless such vault is constructed to allow at least thirty percent (30%) of its sidewalls to be open or ventilated at the grade level. These openings or vents shall

be unobstructed and of such size to permit any vented water to freely pass through the openings to the outside.

4.3. Backflow prevention assemblies shall not be installed in any position other than horizontal, unless the assembly has received approval for such installation by the assembly's manufacturer and the FCCC.

5.4. Backflow prevention assemblies shall be installed in outside locations as part of the Department's Service Connection and shall be protected from possible damage caused by normal traffic.

6.5. All backflow prevention assemblies shall be a minimum of twelve (12) inches above final finished grade (or pad) to a maximum of thirty (30) inches, as measured from the lowest point of the assembly, ~~and a minimum side distance of three feet from any wall, fixed aperture or landscaping.~~

7.6. All backflow prevention assembly installations shall be preceded by a wye strainer (5/8 3/4" to 2") or top access strainer (2 1/2" to 10") and an appropriate shut-off valve to facilitate cleaning and inspection of the strainer. All assemblies and strainers serving fire protection systems shall be approved for such service. In addition, all assemblies shall be supplied with ammonia resistant silicone discs or a Department approved equal.

8.7. Installers of backflow prevention assemblies may test and certify the backflow prevention assembly they have installed. However, all such tests and certification reports shall be completed only by a technician with the appropriate certification from the County's approved list.

SECTION SEVEN: Amendment to SECTION NINE of Collier County Ordinance No. 97-33, codified as Sections 134-129 of the Collier County Code of Laws and Ordinances follows:

SECTION NINE: SERVICE AND REPORTING.

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(f) *Cross-Connection survey reports.*

(1) *New facilities.* The owner of a new facility shall submit a Cross-Connection survey report for the facility to the Department prior to occupancy and Service Connection

activation. The report shall be submitted for the facility using the Department's approved forms. Survey reports shall include the survey inspector's or engineer's recommended backflow prevention assembly for the degree of hazard created by the facility. Survey reports for other than single-family residences shall be completed by a certified Cross-Connection control survey inspector or engineer and shall contain that inspector's name and certification number on each page or the engineer's seal and number. Any such reports submitted to the Department without this information shall be deemed unacceptable and shall not be reviewed. For single-family residences, the survey report may be filled out by the Facility Owner using the Department's approved self-evaluation forms.

~~(2) Existing facilities. The Department shall send notification to the owners of existing facilities where Cross Connections are suspected. Facility Owners shall, upon notification and within 90 days submit a Cross Connection survey report for the facility to the Department. The Cross Connection survey report shall have been completed by a certified Cross Connection control survey inspector from the Department's Approved List or an engineer and shall contain the inspector's name and certification number or engineer's seal on each page. Any survey report submitted to the Department for review without this information shall be deemed unacceptable and shall not be reviewed. For single family residences, the survey report may be filled out by the owner using the Department's approved self evaluation forms.~~

(3) (2) *Reclaimed Water connections* All properties served by Reclaimed Water shall be surveyed at intervals, acceptable to the Department of Environmental Protection, but no less than every three years as to changes, additions or deletions in the customer plumbing system. All property surveys found to have the potential to create a Cross-Connection shall undergo further review up to and including site visits by the County to investigate potential hazards.

(4) (3) *Survey report review and approval.* After the Department has received and reviewed the Cross-Connection survey report for a proposed facility or use, the Department may take the following action:

- a. The Department may accept the Cross-Connection survey report as written.
- b. The Department may reject the Cross-Connection survey report as written

c. The Department may request additional information before accepting or rejecting the report.

d. The Department may require a meeting with the Facility Owner's designated agent, certified Cross-Connection control survey inspector, engineer or all such entities or individuals involved before acting upon the report as submitted.

(4) *Department acceptance of Cross-Connection survey report.* Upon acceptance and approval of the Cross-Connection survey report, the Department shall issue a notice of acceptance. Once a backflow prevention assembly has been approved by the Department, no changes or alterations shall be made without the approval of the Department.

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SECTION EIGHT: Amendment to SECTION TEN of Collier County Ordinance No. 97-33, codified as Sections 134-130 of the Collier County Code of Laws and Ordinances follows:

SECTION TEN: TECHNICAL IMPLEMENTATION.

In order to provide protection to the County's Public Water System from Contamination and a high level of customer service and program quality at a reasonable and economical cost to the customers or consumers of the Collier County Water-Sewer District and Goodland Water District, all backflow prevention assemblies installed for the purposes of complying with this Ordinance shall be owned by the County. ~~All Facility Owners that also own existing backflow prevention assemblies, that are subject to this Ordinance, may dedicate and convey these assemblies to the County for ownership and maintenance within 120 days from adoption of this Ordinance.~~ Any assemblies not dedicated and conveyed to the County ~~within that 120 day period~~ shall remain in private ownership unless the conveyance is approved by the County. In cases where ownership of a backflow prevention assembly remains with the Facility Owner, the Facility Owner shall be responsible for complying with all maintenance and other requirements of this Ordinance. The technical and administrative requirements of this Ordinance shall be implemented as follows.

A. *Program Administration.* It shall be the responsibility of the Department to administer, coordinate, monitor and track the technical implementation and ongoing requirements of the Ordinance for compliance

B. *New installations.*

1. Backflow prevention assemblies for ~~5/8~~ 3/4" through 2" meters shall, if identified as necessary at the time of service application, be installed by the Department or the County's contract agent as part of and at the time of the installation of the County's Service Connection.

2.. Backflow prevention assemblies for meters greater than 2" size shall be installed as part or the Service Connection for new construction by a plumbing or underground contractor retained by the Facility Owner. All such backflow prevention assemblies shall be conveyed to the County for ownership in accordance with the Collier County Utility Standards and Procedures Ordinance, Ordinance No. ~~97-17~~ 2004-31, any amendments or successors thereto, and the Department's administrative and operational procedures.

~~C. Retrofits.~~

~~1. Backflow prevention assemblies where the meter is between 5/8 inch through two inches shall be owned by the County and installed by the Department or the County's contract agent as a part of the Department's meter change out program or when the degree of hazard so warrants, the Department's maintenance staff or County's contract agent.~~

~~2. Backflow prevention assemblies where the meter is greater than two inches shall be owned by the County and installed by the Department or the County's contract agent.~~

C. Repairs.

1. Repairs of backflow prevention assemblies where the meter is ~~5/8~~ 3/4" through 2" shall be performed by the Department or the County's contract agent.

2. Repairs of backflow prevention assemblies where the meter is greater than 2" shall be performed by the Department or the County's contract agent.

SECTION NINE: Amendment to SECTION ELEVEN of Collier County Ordinance No. 97-33, codified as Sections 134-131 of the Collier County Code of Laws and Ordinances follows:

~~SECTION ELEVEN: PROGRAM FUNDING.~~

~~(a) *New installations.* Within 120 days from the adoption of this Ordinance, the County shall adopt by ordinance a fee, charge or rate to cover the County's anticipated cost to provide for Department services under this Ordinance. New customers of the Collier County Water Sewer District and Goodland Water District, i.e., Facility Owners, shall be responsible for payment of this fee, charge or rate, if applicable, at the time and in conjunction with the payment of applicable impact and meter tapping fees or within 30 days after service is rendered.~~

~~(b) *Retrofits (existing).* All active Service Connections that have existing hazards as of 120 days from the adoption of this Ordinance shall be considered existing retrofits for purposes of program funding under this Ordinance. The County's retrofit program for existing Service Connections shall be funded through existing and future water user fees.~~

~~(c) *Retrofits (new).* County Service Connections requiring a backflow prevention assembly that becomes active or create a new hazard more than 120 days after the adoption of this Ordinance shall be considered new retrofits for purposes of program funding under this Ordinance. The County shall establish on an annual basis a charge to cover the cost of this category of retrofits based on a competitive bid process or the County's cost. Customers, i.e., Facility Owners, in this category shall be assessed this charge to cover the County's installation costs.~~

~~(d) *Repairs.* The County's repair and maintenance program on all County owned backflow prevention assemblies shall be funded through existing and future water user fees.~~

~~(e) *Replacement.* The County's backflow prevention assembly replacement program for assemblies owned by the County shall be funded through existing and future water user fees.~~

~~(f) *Testing.* The County's annual and miscellaneous testing program on County owned backflow prevention assemblies shall be funded through existing and future water user fees.~~

SECTION TEN: Amendment to SECTION THIRTEEN of Collier County Ordinance No. 97-33, codified as Sections 134-133 of the Collier County Code of Laws and Ordinances follows:

SECTION THIRTEEN: PENALTIES.

(a) Any person who violates any provision of this Ordinance, or amendments thereto, shall be subject to the penalties provided in Section 125.69, Florida Statutes. In addition, the County may bring suit for damages for any violation of this Ordinance and amendments thereto, and to restrain, enjoin or otherwise prevent a violation of or mandate compliance with this Ordinance and amendments thereto.

(b) All penalty provisions in Section 1-6 of the County's Code of Laws and Ordinances apply to this Ordinance except the \$500 fine limitation in subsection "c" therein. Fines applicable to any violation(s) of this Ordinance shall be determined by the then existing rules of the respective enforcement forum.

(c) Any violation of this Ordinance can be referred for enforcement by Collier County Code Enforcement officer(s), in which event the provisions of Section 2-2044 of the County's Code of Laws and Ordinances shall apply.

(d) Any violation(s) of this Ordinance may be referred for enforcement to a Code Enforcement Board, Special Magistrate, or Nuisance Abatement Bboard, in which event the provisions of Section 2-2030 of the County's Code of Laws and Ordinances shall apply.

(e) No individual shall be subject to imprisonment for violating any provision of this Ordinance except as may be imposed by the court for contempt.

(f) If it is determined by the Public Utility Administrator that (i) an emergency without notice to the owner, or (ii) after reasonable notice from staff to correct a correctable violation of this Ordinance was not promptly and completely corrected by the owner, whereby County staff (and/or a contractor contracted by the County) was required to correct, abate, cure or otherwise serve any hazard and/or Contamination; make any repair, replacement and/or other improvement to any privately owned assembly or part thereof, and/or any connection, physical arrangement or facility (as such term is defined in this Ordinance), then pursuant to any applicable Florida law, including Section 153.67, Florida Statutes, and/or Special Act Chapter 2003-353, Laws of Florida, including Section 10 and/or Section 22 therein, shall impose a lien (for such services) upon any parcel of property (land) affected thereby, including all costs, expenses, interests thereon, and, as applicable, reasonable attorney's fees and all other costs of collection as applicable.

(g) All other enforcement provisions in Chapter 2003-353, Laws of Florida, also apply to violations of this Ordinance.

SECTION ELEVEN: CONFLICT AND SEVERABILITY.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of public health, safety, welfare, and convenience. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any

court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance. In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the most restrictive shall apply. If any phrase or portion of this Article is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION TWELVE: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section" "article", or any other appropriate word.

SECTION THIRTEEN: EFFECTIVE DATE.

This Ordinance shall become effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 24th day of June, 2008.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: [Signature]
Attest as to Chairman's
signature only

By: [Signature]
TOM HENNING, CHAIRMAN

Approval as to form and legal
Sufficiency:

[Signature]
Jennifer A. Belpedjo
Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
30th day of June, 2008
and acknowledgement of that
filing received this 7th day
of July, 2008
By [Signature]
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2008-32

Which was adopted by the Board of County Commissioners on the 24th day of June, 2008, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 27th day of June, 2008.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: Martha Vergara,
Deputy Clerk