

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2025- 05

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO CROSS-CONNECTION CONTROL OF POTABLE WATER; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO CROSS-CONNECTION CONTROL OF POTABLE WATER IN ARTICLE IV OF CHAPTER 28, BE AMENDED AS FOLLOWS:

Section 1. By deleting Article IV CROSS-CONNECTION CONTROL of Chapter 28 in its entirety, and by enacting a new Article IV CROSS-CONNECTION CONTROL in Chapter 28 to be numbered and to read as follows:

ARTICLE IV. CROSS-CONNECTION CONTROL

Sec. 28-123. Introduction.

It is hereby determined that:

- (a) The Board of Commissioners of Fayette County recognizes that a customer’s plumbing system has connections to apparatus, vessels, etc., that could have impurities in varying degrees that could contaminate the County’s public water system (“FCWS”);
- (b) If not properly controlled and contained, connections can contaminate or pollute both the customer’s plumbing system and the FCWS; and
- (c) Adverse impacts from new and redevelopment connections can be controlled and minimized through the regulation of cross-control contamination; and
- (d) The FCWS must comply with state and federal laws, and water pollution from inadequate cross-connection control must be addressed.

The FCWS has established this set of cross-connection control requirements to regulate cross-connection contamination to protect the FCWS.

Sec. 28-124. Definitions and responsibilities.

The following definitions and terms shall apply in the interpretation and enforcement of this Article:

- (a) *Auxiliary intake* means any piping connection or other device whereby water may be secured from a source other than that normally used.
- (b) *Backflow* means the flow of water or other liquids, mixtures, or substances, into the distributing pipes of the FCWS from any source or sources other than the FCWS.
- (c) *Backflow preventer* means a device that is installed on a water service connection that allows water to flow in one direction.

- (d) *Backflow prevention assembly (“BPA”)* means any assembly, consisting of a backflow preventer and two independent shut-off valves, installed to prevent backflow or back-siphonage from occurring. The backflow preventer assembly allows for the flow of water in only one direction and is a testable device.
- (e) *Back-pressure* means downstream pressure that is greater than the pressure from the FCWS. It can be created using pumps or temperature increases downstream.
- (f) *Back-siphonage* means backflow caused by negative pressure (i.e., a vacuum or partial vacuum) in the FCWS. Back-siphonage can occur when there is a stoppage of water supply due to nearby firefighting, a break in a water main, etc.
- (g) *Cross-connection* means any physical connection whereby the FCWS, or a customer’s plumbing system, is connected to any other water system, whether public or private, in such a manner that a flow of potable water into the FCWS is possible, either through the manipulation of valves, or because of ineffective check or back-pressure valves, or because of any other arrangement.
- (h) *Inter-connection* means any system of piping or other arrangement whereby the FCWS, or a customer’s plumbing system, is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device, which does or may contain sewage, other waste liquid, or non-potable water, which would be capable of contaminating the FCWS.
- (i) *Certified BPA tester* means a person certified in the testing of BPAs by the Georgia Statewide Backflow Prevention Assembly Certification Program, the American Backflow Prevention Association, the American Society of Sanitary Engineers or the University of

Florida TREEO Center. A certified BPA tester is responsible for performing accurate field tests on BPAs.

- (j) *Fayette County Water System (FCWS)* means the County's public water system, which furnishes drinking water to its customers for general use.
- (k) *Customer* means any owner of private property or any end-user thereof, receiving service from the FCWS, including all persons, firms, corporations, associations, or trusts, and municipal corporations and political subdivisions, organized or existing under the laws of this or any other state or country.
- (l) *Customer's plumbing system* means the plumbing system from the meter to the customer's property, and extends to the customer's pipes and fixtures, and brings potable water onto the customer's property.
- (m) *Director* means the Director of the FCWS and/or the official that may be designated to administer the various provisions of this article.

Sec. 28-125. General provisions.

- (a) *Purpose and intent.* The purpose and intent of this article is to:
 - (1) protect and maintain the FCWS against actual or potential backflow and/or back-siphonage of any contaminant or pollutant by controlling each cross-connection or potential cross-connection; and

(2) eliminate uncontrolled cross-connections to potable systems as well as uncontrolled inter-connections to any non-potable water system that is not a part of the FCWS; and

(3) establish, coordinate, execute and maintain a Total Backflow Prevention by Containment program as required by Chapter 391-3-5-.13 of the Georgia State Rules and Regulations for safe drinking water.

(b) *Administration of Article.* The FCWS shall administer and implement the provisions of this Article.

(c) *Applicability criteria.* This Article shall be applicable to any new or redevelopment project within the FCWS service area requiring water service when the following conditions exist:

(1) Where a property receives water from the FCWS through any service connection;

(2) Where a property has an auxiliary water supply as an additional source;

(3) Where a property contains any industrial fluids, or any other objectionable substances, which are handled in such a fashion as to create an actual or potential hazard to the FCWS. This shall include the handling of processed water and waters originating from the FCWS which has been subject to deterioration in quality.

(d) *Customer responsibilities.* All residential service lines 1 ½" and greater require a BPA. All residential service customers with an irrigation system, no matter the size of the service line, are required to install a BPA. All non-residential service lines require a BPA.

(e) *Standards and Specifications.* The FCWS has established minimum design standards and requirements in a manual entitled “Standards and Specifications Manual, Fayette County Water System, dated October 6, 2025”, which is available from the FCWS.

Sec. 28-126. Cross-connection standards.

The Director, or the designated representative, shall require the use of an approved BPA on the service line to all individual properties where a BPA is required. The BPA, and the method of installation, shall be approved prior to installation and shall comply with the criteria set forth by the FCWS per the minimum design standards and requirements. Where the use of water is critical to the continuance of normal operations, or for the protection of life, property, or equipment, duplicate BPAs shall be installed to avoid the necessity of discontinuing water service to test or repair the BPA.

(a) *Installation.* All new and redevelopment service installations shall have an approved BPA attached before the branch line leading off the service line installed immediately downstream of the meter. Water service shall not be available until the FCWS is presented with a passing backflow test for BPAs installed by a third party.

(b) *Non-residential customers, residential customers with 1 ½” or greater service lines, and customers with irrigation systems.*

- (1) Inspection. The County shall have the right to inspect and require testing of the BPA on an annual basis or more frequently when deemed necessary, at the customer's expense.
- (2) Testing. BPA testing is required at initial installation and annually thereafter, one year from the most recent date of compliance. All required testing shall be performed by *certified BPA testers*. All maintenance and testing of the BPA is the responsibility of the customer. If the BPA is installed by FCWS, FCWS is responsible for the initial testing. Thereafter, all maintenance and testing of the BPA is the responsibility of the customer.
- (3) Following each test and/or repair the customer shall submit the Backflow Report to the FCWS. The following information shall be included:
 - a. The customer's name and service address;
 - b. BPA location description; service type, meter size, and meter number requiring the BPA, BPA make, model, and serial number;
 - c. Date the test was performed;
 - d. Test results for each assembly;
 - e. If failed, description of repairs or service required;
 - f. If failed, date repairs expected to be completed and/or completed;
 - g. Name of authorized person performing test, certificate number and signature;
 - h. Manufacturer's name and serial number of test kit.

The Customer shall provide a passing report to satisfy this requirement.

- (4) The Backflow Report form for each BPA shall be submitted to Fayette County Water System.
- (5) Residential customers who do not have irrigation systems, and residential customers with service lines of less than 1 ½”, may not have a BPA attached to the water meter. Residential customers with a non-testable backflow preventer are still responsible for maintaining the backflow preventer.

Sec. 28-127. Cross-connection violations, enforcement, and penalties.

(a) *Notice of violation.* If the FCWS determines that a customer has failed to comply with the terms and conditions of this Article, the FCWS shall issue a written notice of violation, served to the customer, and shall provide a reasonable opportunity of not less than ten days (except, that in the event the violation constitutes an emergency condition) to cure such violation. The notice of violation shall contain:

- (1) The customer’s name and service address where the violation is occurring;
- (2) The service type, meter size, and meter number requiring the BPA;
- (3) A statement specifying the nature of the violation and code reference;
- (4) The remedial measures necessary to bring the action or inaction into compliance;
- (5) The date for the completion of such remedial action; and
- (6) A statement of the penalty or penalties that may be assessed against the customer.

In the event the customer fails to take the remedial measures set forth in previously issued notice of violations, or the customer otherwise fails to cure the violation within ten days, the customer may be subject to the penalties provision, below. For any violation deemed by the FCWS to be substantial, the FCWS shall have the authority to shut the water off.

(b) *Penalties.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion, any one or more of the following actions or penalties may be taken or assessed against the customer to whom the notice of violation was directed:

(1) *Suspension, revocation, or modification of water service.* The FCWS may suspend, revoke, or modify the water service. Water may be reinstated after the customer has taken the remedial measures set forth in the notice of violation, or has otherwise cured the violation described therein, provided such water service may be reinstated (upon such conditions as the FCWS may deem necessary) to enable the customer to take the necessary remedial measures to cure such violation.


(2) *Citations.* For intentional and flagrant violations of this article, or in the event the customer fails to take the remedial measures set forth in a previously issued notice of violation, or otherwise fails to cure the violation within ten days, the FCWS may issue a citation to the customer. A conviction for such violation shall be punished by a fine not to exceed \$1,000.00, or imprisonment for 60 days, or both. Each violation, and each day upon which any violation shall occur, shall constitute a separate offense.

- Section 2.** This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Fayette County.
- Section 3.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- Section 4.** In the event any section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part hereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this 13th day of November, 2025.




BOARD OF COMMISSIONERS
OF FAYETTE COUNTY

By: 
LEE HEARN, Chairman

ATTEST:


Tameca P. Smith, County Clerk

Approved as to form:


County Attorney