

404



**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**FROM:** Community Health Agency/Environmental Health

**SUBMITTAL DATE:**

**SUBJECT:** Amending Ordinance No. 525.4, "Inspection and Testing of Backflow Preventing Assemblies".

**RECOMMENDED MOTION:**

1. That the Board introduce and set for Public Hearing the adoption of Ordinance No. 525.5, amending Ordinance No. 525.4 which regulates the inspection, maintenance, and testing of backflow preventing assemblies.
2. That the Board authorize the Clerk to place an advertisement for the Public Hearing in the appropriate local publications;
3. That, upon the close of the Public Hearing, the Board adopts Ordinance 525.5.

**BACKGROUND:** This amendment to Ordinance No. 525 will add language referencing Riverside County Ordinance No. 725, which establishes procedures and penalties for violations of Riverside County Ordinances and provides for recovery of costs reasonably related to enforcement. Specifically, the changes to this ordinance can be found in Section 7 (e), concerning additional remedies and penalties which could be assessed through the Administrative citation process outlined in Ordinance No. 725.

GR:SVS:gf

Gary Root  
Director, Department of Environmental Health

**FINANCIAL DATA**

Current F.Y. Total Cost:	\$ 0	In Current Year Budget:
Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:
Annual Net County Cost:	\$ 0	For Fiscal Year:

**SOURCE OF FUNDS:**

No Funding Necessary

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

**County Executive Office Signature**

- Dep't Recomm.:  Consent  Policy
- Per Exec. Ofc.:  Consent  Policy

Prev. Agn. Ref.:

District:

Agenda Number:

3.12

COUNTY COUNSEL

APR 16 2007

BY

Departmental Conference



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2 **Section 3.** Any person desiring initial certification to qualify to inspect, maintain, and test  
3 water backflow prevention assemblies shall apply to the Director of Environmental Health on  
4 the form provided by the Department of Environmental Health and pay the current non-  
5 refundable fee. The applicant shall demonstrate testing knowledge and competency to the  
6 Board of Examiners by the successful completion of the Director of Environmental Health  
7 approved written examination and physical proficiency test. Knowledge and competency may  
8 be demonstrated by showing proof of current AWWA Backflow Prevention Assembly General  
9 Tester certification should the Board of Backflow Examiners determine that such certification  
10 process demonstrates proficiency equal to or greater than that demonstrated by the local  
11 certification program. Upon successful completion of the examination and physical test or the  
12 showing of proof of said acceptable AWWA certification, the Director of Environmental  
13 Health shall issue a Certificate of Competency to the successful applicant. All Certificates  
14 shall be issued for a period not to exceed three (3) years.  
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19 **Section 4.** Renewal of a Certificate shall be issued for a period not to exceed three (3) years.  
20 A Certificate may be renewed by the Director of Environmental Health upon application and  
21 payment of a non-refundable recertification fee; providing the Director of Environmental  
22 Health decides the recertifying person remains qualified to inspect, maintain, and test water  
23 backflow prevention devices. Applicants requesting recertification based on an AWWA testing  
24 credential will be issued a certificate having a County expiration date that coincides with the  
25 AWWA expiration.  
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1 **Section 5.** A written test report shall be provided to the owner of a backflow prevention  
2 assembly certifying the proper operation of the unit whenever a certified tester installs, tests, or  
3 repairs a water backflow prevention assembly. A copy of the written report shall be kept by the  
4 tester of the assembly for a period of not less than three (3) years from the date of report. The  
5 written test report will be made available to the Director of Environmental Health by the  
6 certified tester at any reasonable time during the working day.  
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10 **Section 6.**

- 11 **a)** The Director of Environmental Health may, in his/her discretion, deny any application  
12 for a certificate whether such application is for an original certificate or renewal thereof,  
13 and may suspend or revoke any certificate if he/she finds that the applicant or holder  
14 has violated any provision of this ordinance.  
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17 **b)** Any certificated person who falsifies inspection, maintenance or test reports, made  
18 pursuant to Title 17 of the California Administrative Code, may have his or her  
19 Certificate of Competency revoked by the Director of Environmental Health and, if  
20 revoked, shall not be considered for recertification for a period of 3 years.  
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23 **c)** Any person whose application has been denied or whose certificate has been suspended  
24 or revoked, may appeal such denial, suspension or revocation by filing with the Board  
25 of Examiners within fifteen (15) days after notice of such denial, suspension or  
26 revocation, a written notice of appeal briefly setting forth the reasons why the appellant  
27 alleges such denial, suspension or revocation is improper. Within five (5) days of the  
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1 receipt by the Director of Environmental Health of such notice of appeal, the Director  
2 shall set a hearing date for the appeal and shall give written notice of the date, time, and  
3 place of such hearing to the appellant, and such notice shall be sent by registered or  
4 certified mail, postage prepaid, return receipt requested. The date of hearing shall not  
5 be less than twenty (20) days from the date of mailing of the notice of the date, time and  
6 place of the hearing, and the hearing shall be conducted not later than forty-five (45)  
7 days from the date of mailing of the notice of denial, suspension of revocation;  
8 provided, however, that at the request of the appellant, the Director may extend the  
9 hearing date for a reasonable period beyond the aforementioned forty-five (45) day  
10 limit.  
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14 **d)** The appeal shall be heard by the Board of Examiners which may affirm, modify, or  
15 reverse the denial, suspension or revocation. In conducting the hearing, the Board of  
16 Examiners shall not be limited by the technical rules relating to evidence and witnesses,  
17 as applicable in courts of law. To be admissible, evidence shall be of the type upon  
18 which reasonable persons are accustomed to rely in the conduct of serious affairs.  
19 During the pendency of the appeal, there shall be in effect an automatic stay of the  
20 denial, suspension or revocation; provided, however, that during said period of  
21 pendency the Director of the Department of Environmental Health may take such action  
22 as he/she deems appropriate under this ordinance or any other provision of law  
23 respecting the subject application or certificate or the prosecution of any violation of  
24 this ordinance or any other provision of law. The decision of the Board of Examiners  
25 shall be final.  
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2 **Section 7.**

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4 **a)** Any person violating any of the provisions or failing to comply with any of the  
5 mandatory requirements of the ordinances of the county shall be guilty of an infraction  
6 unless the violation is made a misdemeanor by ordinance.

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8 **b)** Except in cases where a different punishment is prescribed by any ordinance of the  
9 county, any person convicted of a misdemeanor for violation of an ordinance of the  
10 county is punishable by a fine of not more than one thousand dollars (\$1,000) or by  
11 imprisonment not to exceed six months, or both such fine and imprisonment.

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14 **c)** Any person convicted of an infraction for violation of an ordinance of the county is  
15 punishable by a penalty of not more than two hundred fifty dollars (\$250.00).

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18 **d)** Each such person shall be guilty of a separate offense for each and every day during any  
19 portion of which any violation of any provision of the ordinances of the county is  
20 committed, continued or permitted by any such person, and such person shall be punishable  
21 accordingly.

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23 **e)** The additional remedies, penalties, and procedures for violations of this ordinance and for  
24 recovery of costs related to enforcement provided for in Ordinance No. 725 are  
25 incorporated into this section by this reference.  
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1 **Section 8.** This Ordinance shall take effect thirty (30) days from the date of its adoption.  
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5 **ADOPTED: 10/13/70 (Eff.: 11/12/70)**

6 **AMENDED: 525.1 (Eff.: 01/01/76)**

7 525.2 (Eff.: 05/30/96)

8 525.3 (Eff.: 10/17/96)

9 525.4 (Eff.: 04/16/98)

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11 3/14/00 (Eff. 04/13/00) (Amded by Ord. 802 – Violation Provisions)  
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