

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NUMBER _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF FRESNO AMENDING THE TITLE OF CHAPTER 14.10
OF THE FRESNO COUNTY ORDINANCE CODE (FROM "WATER
SERVICE AND BILLING PROCEDURES FOR THE COUNTY OF
FRESNO WATERWORKS DISTRICT" TO "WATER SERVICE AND
BILLING PROCEDURES FOR COUNTY OF FRESNO WATERWORKS
DISTRICTS AND COUNTY SERVICE AREAS"), AMENDING SECTION
14.10.20 (DEFINITIONS) AND SECTION 14.10.080, INCLUDING
AMENDING THE TITLE OF SECTION 14.10.080 (FROM "BACKFLOW
PREVENTION DEVICES, INSTALLATION REQUIREMENTS AND
PROTECTIVE ENCLOSURES" TO "BACKFLOW PREVENTION:
RESPONSIBILITY AND AUTHORITY") THEREOF, AND ADDING
SECTIONS 14.10.081 THROUGH 14.10.087 THEREOF RELATING TO
CROSS-CONNECTION PROTECTION REQUIREMENTS, WATER
SERVICE TERMINATION FOR CROSS-CONNECTION HAZARD,
CROSS-CONNECTION VIOLATION DECLARED PUBLIC NUISANCE,
ENFORCEMENT AND ADMINISTRATIVE CITATIONS, APPEAL OF
ADMINISTRATIVE CITATIONS, AND REMEDIES

Section 1. FINDINGS. The Board of Supervisors of the County of Fresno hereby
finds and declares as follows:

WHEREAS, the County of Fresno operates public water systems that serve
residents and businesses within waterworks districts and county service areas; and

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1 **WHEREAS**, cross-connections between public water systems and potential
2 sources of contamination pose serious health risks to the public; and

3 **WHEREAS**, the protection of public water systems from contamination is a matter
4 of public health and safety requiring comprehensive regulation; and

5 **WHEREAS**, Section 116555.5 of the California Health and Safety Code requires
6 public water systems to implement cross-connection control programs; and

7
8 **WHEREAS**, Section 116407 of the California Health and Safety Code provides
9 that the State Water Resources Control Board (State Water Board) may create a
10 handbook to develop and adopt standards for backflow prevention and cross-connection
11 control in order to update and replace existing state regulations; and

12 **WHEREAS**, the Cross-Connection Control Policy Handbook (the State Water
13 Board Handbook) was adopted by the State Water Board on December 19, 2023 with an
14 effective date of July 1, 2024, and amendments to the State Water Board Handbook were
15 adopted in March 2025 and June 2025; and

16
17 **WHEREAS**, the County Ordinance Code Section 14.10.80, which has been in
18 effect immediately prior to the following amendments, provides for backflow prevention
19 requirements to prevent cross connection; and

20 **WHEREAS**, the following amendments satisfy the requirements of Section
21 116555.5 of the California Health and Safety Code and the State Water Board Handbook;
22 and

23 **WHEREAS**, the contamination from water backflow, including the potential for it,
24 represents a significant public nuisance; and

25
26 **WHEREAS**, the County has the authority under California Government Code
27 Section 25845 to establish procedures to abate public nuisances; and

28 **WHEREAS**, the following amendments implement such statutory authorities.

1 NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF
2 FRESNO DOES ORDAIN AS FOLLOWS:

3 **Section 2.** Section 14.10.020 of Chapter 14.10 of the Fresno County Code is
4 hereby amended in its entirety to read as follows:

5
6 **14.10.020 - Definitions.**

7 As used in this chapter:

- 8
- 9 A. "Air-Gap Separation (AG)" means a physical separation between the free-flowing
10 discharge end of a public water system pipeline and an open or non-pressurized
11 receiving vessel.
- 12 B. "Auxiliary Water System" means any water system, including but not limited to
13 irrigation or wells, on or available to the customer service properties other than the
14 County water supply system.
- 15 C. "Backflow" means the reversal of flow of water or mixtures of water and other
16 liquids, gases, or other substances into the distribution pipes of the public water
17 system.
- 18 D. "Backflow Prevention Assembly" or "Assembly" means any mechanical assembly
19 installed at a water service connection on the customer service property to prevent
20 a backflow condition.
- 21 E. "County" means the County of Fresno or its authorized representative.
- 22 F. "Cross-Connection" means any unprotected connection or structural arrangement
23 between a public water system and any other source or system through which it is
24 possible to introduce into any part of the potable water in the public water system
25 any used water, industrial fluid, gas, or substance other than such intended potable
26 water.
- 27 G. "Cross-Connection Control Specialist" means a person then-currently certified by
28 the State Water Resources Control Board (State Water Board) or by the American
Waterworks Association (AWWA) to survey and determine the type of backflow
prevention assembly required for a customer service property, and to verify the

proper installation and function of the backflow prevention assembly on such customer service property..

H. "Curb Stop" means a valve installed and operated by the County on each customer service property for the purpose of providing or terminating water service to the customer service property.

I. "Customer" means any owner of the customer service property receiving water from the public water system.

J. "Customer Service Property" "or "Customer's Property" means the property owned by the customer where water service is delivered from the public water system.

K. "Department" means the Department of Public Works and Planning, or the County Department that is the successor thereto, which is responsible for administering chapter 14.10.

L. "Delinquent" means any water bill that remains unpaid thirty (30) days after issuance by the County to the customer.

M. "Double Check Valve Assembly (DC)" means an assembly composed of two single, independently acting check valves, assembled as a unit, designed to prevent backflow of non-hazardous substances.

N. "Fifteen-Day Warning Notice" means a notice of delinquency or noncompliance that the Department mailed by U.S. Mail, postage paid, to a customer who is delinquent in payment of their bimonthly water bill (or water bill issued by the Department at any other interval as may otherwise be established from time to time by the Department) or is out of compliance with the backflow prevention and cross-connection control requirements of Section 14.10.80, 14.10.81, and/or 14.10.82.

O. "Flat Rate" means a fixed periodic rate charged for water delivered by the public water system to a nonmetered customer service property.

P. "Forty-Eight-Hour Notice" means a notice of delinquency or noncompliance posted by the Department on the customer service property that the customer is delinquent in payment of their bimonthly water bill (or water bill issued by the County at any other interval as may otherwise be established from time to time by

the County) or is out of compliance with the backflow prevention and cross-connection control requirements of Section 14.10.80, 14.10.81, and/or 14.10.82.

Q. "Meter Box" or "Water Meter Box" means a concrete vault or enclosure (installed on the customer service property, set in the ground) for the purpose of future installation of a water meter and/or curb stop.

R. "Metered Rate" means a rate charged per gallon of actual quantity of water delivered by the public water system to a customer service property as measured and recorded by a meter.

S. "Public Water System" means a system, owned and/or operated by the County of Fresno, for the provision of water for human consumption. This includes any collection, treatment, storage, and distribution facilities under control of the County of Fresno of the system that are used primarily in connection with the system as well as any collection or pretreatment storage facilities not under the control of the County of Fresno that are used primarily in connection with the system.

T. "Reduced Pressure Principle Backflow Prevention Assembly (RP)" means a backflow prevention assembly consisting of two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between them.

U. "Water Service Connection" means the point, on the customer service property, at which the customer's piping or constructed conveyance connects to the public water system's meter, service pipe, or other constructed conveyance.

V. "Water Service Restoration Charge" means a charge as set forth in the Fresno County Master Schedule of Fees, Charges and Recovered Costs to recover labor, mileage, mailing and/or posting notices and all other costs incurred as a result of a customer's failure or refusal to timely pay their water bill following the Department's notices of delinquency, including the fifteen-day warning notice and the forty-eight-hour notice. The charge includes the costs of billing and the termination and restoration of water service to a customer service property after full payment of all delinquent charges has been made.

Section 3. Section 14.10.080 of Chapter 14.10 of the Fresno County Code is hereby

amended in its entirety to read as follows:

14.10.80 – Backflow prevention: responsibility and authority.

A. Cross-connection prohibited. A cross-connection between a public water system and actual or potential sources of contamination, caused by the actual, or potential for, contamination from water backflow, poses serious health risks to the public. In order to protect the public water system from contamination, it shall be unlawful for any person to have, keep, maintain, install, or allow the existence of a cross-connection on their customer service property. This prohibition shall apply to all customer service properties served by County public water systems in the unincorporated areas including, but not limited to, county service areas and waterworks districts. The provisions of Chapter 14.10, as they are currently in effect, apply to each customer and customer service property regardless of whether such customer or customer service property has been served by the public water system prior to the current effective date of Chapter 14.10. Customers shall make their backflow protection assemblies available for surveys and inspections by the Director under paragraph B of Section 14.10.80. The provisions of this paragraph A are in addition to and supplement existing health and safety laws and regulations.

B. County responsibility. The Director of Public Works and Planning, or the designee thereof (the Director), shall be responsible, as the County's representative, for implementing and enforcing the cross-connection control program under Sections 14.10.80 through 14.10.87. The Director is authorized to:

1. Conduct surveys of the customer service properties (as allowed by easement granted in favor of the County) to identify actual and potential cross-connections and determine minimum required backflow prevention measures for such customer service properties that comply with state regulations;
2. Issue notices and orders requiring customers to install, arrange for testing by a cross-connection control specialist, repair, and/or replace backflow

1 prevention assemblies on their customer service property in compliance
2 with Sections 14.10.80, 14.10.81, and 14.10.82;

- 3 3. Maintain a list or lists, which shall be updated annually, of backflow
4 prevention assemblies approved by the County, based on State regulations
5 and guidance, and cross-connection control specialists doing business in
6 Fresno County, however, such list of cross-connection control specialists is
7 not, nor shall it be considered, an endorsement or recommendation by the
8 Director as to any such persons or entities, and the customers shall be free
9 to select any cross-connection control specialists whose certifications are
10 in effect; the Director is not under any obligation to investigate whether any
11 cross-connection control specialists who are placed on the list may
12 subsequently not be certified or in business;
- 13 4. Enter upon the customer service properties (as allowed by easement
14 granted in favor of the County) during reasonable hours to conduct surveys
15 and inspections of the backflow prevention assembly (or assemblies) to
16 determine the customer's compliance with the cross-connection control
17 requirements of Sections 14.10.80, 14.10.81, and 14.10.82; and
- 18 5. Terminate water service to a customer service property for a customer's
19 failure or refusal to comply with backflow prevention requirements of
20 Section 14.10.80, 14.10.81, and/or 14.10.82, after having been given notice
21 thereof, as provided under Section 14.10.82.

22 C. Customer Responsibility. A backflow prevention assembly that aligns with the
23 customer service property's hazard classification level, as determined by the
24 Director under Section 14.10.81, shall be installed where required by the Director,
25 by, and at the expense of, the customer at each user connection, to prevent
26 backflow from the customer's customer service properties to the public water
27 system. It shall be the customer's responsibility to comply with all applicable
28 provisions of Sections 14.10.80, 14.10.81, and 14.10.82.

Section 4. Sections 14.10.81 through 14.10.87 are hereby added to Chapter 14.10 of
the Fresno County Code to read as follows:

14.10.81 - Cross-connection protection requirements.

- A. General Requirements. The type of protection that shall be provided by a backflow prevention assembly, as described in paragraph B of Section 14.10.81, to prevent backflow into the public water system shall, in the determination of the County, be commensurate with the degree of hazard, actual or potential, that exists on the customer service property. Unprotected cross-connections with the public water system are prohibited.
- B. Assembly Types. The type of backflow prevention assembly that is required for a customer service property, as determined by the Director under paragraph C of Section 14.10.81, includes but is not limited to: Air-gap separation (AG); Reduced Pressure Principle Backflow Prevention Assembly (RP); and Double Check Valve Assembly (DC). The customer may choose a higher level of protection than required by the County under paragraph C of Section 14.10.81.
- C. Hazard Classification. The Director shall determine the minimum type of backflow prevention required to protect the public water system at the water service connection on the customer service property based on the applicable degree of hazard for the water service connection listed in the then-current Cross-Connection Control Policy Handbook promulgated by the State Water Board (State Water Board Handbook), as determined by the Director. Situations that are not covered in the State Water Board Handbook shall be evaluated on a case-by-case basis by the Director, and the minimum type of backflow prevention for such situations that comply with the State Water Board Handbook shall be determined by the Director.
- D. Approved Assemblies. Only backflow prevention assemblies that have been approved by the County shall be acceptable for installation by a customer on their customer service property. The Department will maintain, on the Department's web site, an online list of approved backflow prevention assemblies and will provide that list upon request to any customer. All approved backflow prevention

1 assemblies shall meet the then-current standards set forth in the Manual of Cross-
2 Connection Control, published by the University of Southern California Foundation
3 for Cross-Connection Control and Hydraulic Research. As of the effective date of
4 Section 14.10.81, such standards are set forth in Chapter 10 of the Tenth Edition
5 of the Manual of Cross-Connection Control, however, such Chapter and such
6 Edition are not a limitation on the then-current standards of the Manual of Cross-
7 Connection Control that shall apply.

8 E. Installation. Backflow prevention assemblies shall be installed in a manner
9 prescribed in the then-current State Water Board Handbook. Location of the
10 assemblies shall be as close as practicable to the water service connection on the
11 customer service property to the public water system. The Director shall have the
12 final authority in determining the required location of the backflow prevention
13 assembly.

14 F. Testing requirements. Testing of backflow prevention assemblies shall be
15 conducted only by cross-connection control specialists, and such testing shall be
16 the sole responsibility of the customer. Backflow prevention assemblies must be
17 tested by cross-connection control specialists at least annually and immediately
18 after installation, relocation, or repair. No backflow prevention assembly shall be
19 placed back in service unless and until it is functioning according to its
20 manufacturer specification and intended use as verified by a cross-connection
21 control specialist. These backflow prevention assemblies shall be serviced or
22 overhauled in compliance with Section 14.10.80, or replaced with a backflow
23 prevention assembly that complies with the then-current State Water Board
24 Handbook, whenever they are found by the Director to be defective or otherwise
25 not operating according to the product specifications, and written notice thereof is
26 provided by the Director to the customer. All costs of servicing, overhauling, testing
27 by cross-connection control specialists, and repairing, and replacement and
28 maintenance of these backflow prevention assemblies shall be borne solely by the

customer. Customers must obtain approval from the Director prior to removing, relocating or replacing a backflow prevention assembly.

14.10.82 - Water service termination for cross-connection hazard.

When the County encounters a water use on the customer service property that represents an apparent hazard to the potable water supply in the public water system, which use cannot be immediately abated, the procedure applicable to such condition for terminating water service to that customer service property shall be carried out by the Department as provided in this Section. Conditions of water uses on customer service properties that create a basis for water service termination shall include, but are not limited to, the following:

1. A customer's failure or refusal to install or test a backflow prevention assembly in compliance with manufacturer specifications on the customer service property, or to repair or replace a defective backflow prevention assembly on the customer service property, after thirty (30) days' notice thereof given by the Director to the customer.
2. Direct or indirect connection between the public water system and a sewer line.
3. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.
4. Unprotected direct or indirect connection between the public water system and an auxiliary water system.

For condition 1, if the customer does not correct condition 1 to the satisfaction of the Director within the allowed time period under such Director notice, water service shall be terminated by the Department upon the Department giving the customer a fifteen-day warning notice, followed by the Department posting a forty-eight-hour notice on the customer service property.

For conditions 2, 3, or 4, the Director shall first undertake a reasonable effort under the circumstances (including but not limited to the Director attempting to make on-site contact with the customer or any other person occupying the customer service property)

1 within a period that need not exceed three (3) calendar days to advise the customer, or
2 any other person occupying the customer service property, of the Department's intent to
3 terminate water service based on the failure or refusal of the customer, or any person
4 occupying the occupying the customer service property, to correct such condition. If the
5 customer, or any other person occupying the occupying the customer service property,
6 does not correct condition 2, 3, and/or 4, as applicable, to the satisfaction of the Director
7 within such time period, the Department shall terminate water service and lock service
8 valve upon giving a forty-eight-hour notice. Notwithstanding the foregoing provisions of
9 this paragraph, if the Director determines that there exists on the customer service
10 property a clear and present hazard to the public water system, the Director may
11 immediately terminate water service to the customer service property without the need
12 for giving any such prior notice, however, upon the termination of water service, the
13 Director shall promptly post a notice of such termination of water service on the customer
14 service property within a reasonable time thereafter under the circumstances.

15 The water service connection shall remain inactive until correction of all violations
16 has been approved by the Director. Once the violations have been so corrected and
17 approved by the Director, and all fines under Section 14.10.84 have been paid with
18 respect to the customer service property, the Department shall restore the water service
19 for the customer service property as soon as practicable under the circumstances during
20 County normal business hours.

21 **14.10.083 - Cross-connection violation declared public nuisance.**

22 Violations of Sections 14.10.080 and 14.10.81 are declared to be public nuisances
23 and may be abated as such by the Director, under Chapter 1.16 of the ordinance code.

24 **14.10.84 - Enforcement and administrative citations.**

25 A. Enforcement Authority. The Director is hereby empowered to administer and
26 enforce Sections 14.10.80, 14.10.81, and 14.10.82, under this Section, through
27 the issuance of administrative citations against customers and undertaking of any
28 other lawful remedies.

- 1 B. Issuance of Administrative Citations. A cross-connection control specialist, who
2 shall be a County employee appointed by the Director (the Enforcement Officer),
3 may issue an administrative citation to any customer when the Enforcement Officer
4 has personally observed, or has obtained reliable evidence of, a violation of
5 Section 14.10.80, 14.10.81, and/or 14.10.82. Each citation shall be numbered
6 consecutively, and a log of issued citations shall be maintained by the Department.
- 7 C. Administrative Fine Amount. A violation of Section 14.10.80, 14.10.81, and/or
8 14.10.82 shall be subject to an administrative penalty, for a fine of five hundred
9 dollars (\$500) per violation.
- 10 D. Contents of Citation: Each administrative citation shall, at minimum, state:
- 11 1. The date, approximate time, and precise location of the violation;
 - 12 2. A factual description of the violation and the provision of Section 14.10.80,
13 14.10.81, and/or 14.10.82 violated;
 - 14 3. The name of the responsible person, or a description sufficient to identify
15 the responsible person;
 - 16 4. The applicable fine amount and instructions for payment, including the
17 deadline—thirty (30) days from service of the administrative citation—and
18 acceptable payment methods;
 - 19 5. Notice of the right to appeal.
- 20 E. A statement that failure to pay the fine or timely appeal will result in the
21 administrative citation becoming a final administrative order and may subject the
22 violator to further collection efforts.
- 23 F. Service of Citations:
- 24 1. Personal Service: An Enforcement Officer may personally serve the
25 administrative citation on the responsible person; the recipient's signature,
26 or refusal to sign, shall be noted on the citation.
 - 27 2. Mail Service: If personal service is impracticable, as determined by the
28 Enforcement Officer, the administrative citation may be mailed by first-class

1 mail, postage prepaid, to the person's last known address.

- 2 3. Alternative Service: Where the responsible person's name or address is
3 unknown, service may be effected by the Enforcement Officer posting the
4 administrative citation at the site of the violation and by mailing a copy to
5 "Occupant" at that location, or by any method reasonably calculated to
6 provide actual notice.

7 G. Effective Date of Service. Service of the administrative citation shall be effective
8 on the date it was personally served or otherwise delivered by the Enforcement
9 Officer. Service of the administrative citation shall be effective five (5) days after
10 the date it was mailed by the Enforcement Officer, regardless of when or whether
11 it is received by the responsible person.

12
13 **14.10.085 - Appeal of administrative citations.**

14 The procedures to appeal an administrative citation issued pursuant to Section
15 14.10.84 are as follows:

- 16 A. Hearing Request. Any person issued an administrative citation pursuant to Section
17 14.10.84 may contest the citation by requesting a hearing according to the
18 procedures found in Section 1.13.170 of this code. A person financially unable to
19 pay the administrative fine as provided in Section 1.13.170 may request an
20 advance deposit hardship waiver as set forth in Section 1.13.180.
- 21 B. Hearing Officer. For hearings to challenge an administrative citation issued
22 pursuant to Section 14.10.84, the County Administrative Officer, or the designee
23 thereof, in consultation with the Director shall appoint a hearing officer to preside
24 over an administrative citation hearing that has been properly requested under the
25 provisions of this Section and this code.
- 26 C. Hearing Procedures. The procedures for a hearing to challenge an administrative
27 citation issued pursuant to Section 14.10.84 are the same as those listed in Section
28 1.13.200 of this code.

- 1 D. Right to Judicial Review. Any person aggrieved by the decision of an administrative
2 hearing officer in any hearing on an administrative citation issued under Section
3 14.10.84 may obtain review of the administrative decision by filing a petition for
4 review with the Fresno County Superior Court, in accordance with the timeline and
5 other provisions set forth in Section 53069.4 in the California Government Code.
- 6 E. The procedures of Sections 1.14.020 to 1.14.050 of this code are applicable to
7 administrative citations issued under Section 14.10.84.
- 8 F. Recovery of Administrative Citations. The County may collect any past due
9 administrative citation(s) assessed, and issued pursuant to Section 14.10.84, by
10 use of any and all available legal means, including without limitation, as a personal
11 obligation or a lien recorded against any real property owned by the person(s)
12 found to have violated Section 14.10.80, 14.10.81, and/or 14.10.82. County
13 Counsel may bring a civil action in the name of the County to recover any past due
14 administrative fine(s) and may enforce any judgment to collect any unpaid sum in
15 the same manner as civil judgments.

16
17 **14.10.086 – Remedies.**

- 18 A. The remedies provided in this chapter are cumulative and non-exclusive.
- 19 B. Nothing in this chapter precludes the County from pursuing any other remedy
20 available at law or equity.

21
22 **14.10.087 – No exemption from laws and codes.**

23 Nothing in this chapter 14.10 shall exempt any customer or any other person or entity
24 from all applicable requirements of any state or local laws and codes, including but not
25 limited to California building codes, or any other chapters of the Fresno County Code.

26
27 **Section 4. Effective Date.**

28 This ordinance shall take effect thirty (30) days from the date of its adoption.

1 THE FOREGOING, was passed and adopted by the following vote of the Board of
2 Supervisors of the County of Fresno this ____ day of _____, 2025, to wit:

3
4 AYES:

5 NOES:

6 ABSENT:

7 ABSTAINED:
8

9
10 _____
11 Ernest "Buddy" Mendes
12 Chairman of the Board of Supervisors
13 of the County of Fresno

14 Attest:
15 Bernice E. Seidel
16 Clerk of Board of Supervisors
17 County of Fresno, State of California

18 By: _____
19 Deputy

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