



## CODE ENFORCEMENT BOARD HEARING AGENDA

MONDAY  
MAY 20, 2024 - 9:30 AM

TOWN COUNCIL CHAMBERS  
4300 S. ATLANTIC AVE., PONCE INLET, FL

SUNSHINE LAW NOTICE FOR BOARD MEMBERS – Notice is hereby provided that one or more members of the Town Council or other Town Boards may attend and speak at this meeting.

A complete copy of the materials for this agenda is available at Town Hall.

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL & DETERMINATION OF QUORUM.
4. ADOPTION OF AGENDA.
5. DISCLOSURE OF EX-PARTE COMMUNICATION. *Code Enforcement cases are quasi-judicial and receipt of any information or discussion of any case outside of the public hearing is strongly discouraged. If a board member obtains any information or discusses any case outside the public hearing process, this information must be disclosed in detail by the board member prior to the presentation of the case and may not be considered by the board member when making any decision related to the case.*
6. ADMINISTERING THE OATH TO WITNESSES: Attorney Cino
7. APPROVAL OF THE MINUTES:
  - A. March 25, 2024
8. OLD BUSINESS:
  - A. Case # 2023-758: Property Address: 125 Ponce DeLeon Circle  
Owner(s): Albert & Cyndee Jarrell  
Alleged Violation(s): Unsafe Structure
9. NEW BUSINESS:
  - A. Case # 2024-324: Property Address: 112 Anchor Drive  
Owner(s): Ylian Snyder & Grant Renne  
Alleged Violation(s): Irrigation system without the required backflow preventor / and -or testing
  - B. Case # 2024-328: Property Address: 30 Inlet Point Blvd.  
Owner(s): R.F. Mohl  
Alleged Violation(s): Irrigation system without the required backflow preventor / and -or testing

- C. Case # 2024-332: Property Address: 35 Inlet Point Blvd  
Owner(s): CONFIDENTIAL – FS 119.071  
Alleged Violation(s): Irrigation system without the required backflow preventor /  
and -or testing
- D. Case # 2024-333: Property Address: 36 Caribbean Way  
Owner(s): Randhir & Nekpal Singh  
Alleged Violation(s): Irrigation system without the required backflow preventor /  
and -or testing
- E. Case # 2024-337: Property Address: 37 Coastal Oaks Circle  
Owner(s): Stacey & Steven Oshinski  
Alleged Violation(s): Irrigation system without the required backflow preventor /  
and -or testing
- F. Case # 2024-338: Property Address: 4329 South Atlantic Avenue  
Owner(s): William Frazier  
Alleged Violation(s): Irrigation system without the required backflow preventor /  
and -or testing
- G. Case # 2024-366: Property Address: 47 Oceanway  
Owner(s): Kevin Purucker  
Alleged Violation(s): Irrigation system without the required backflow preventor /  
and -or testing

10. ATTORNEY DISCUSSION.

11. BOARD/STAFF DISCUSSION.

A. Rental Discussion – Mrs. Richards

12. ADJOURNMENT.

Next hearing date: Monday, June 24, 2024

*If a person decides to appeal any decision made by the Code Enforcement Board with respect to any matter considered at a hearing, he/she will need a record of the proceedings and that for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons who require accommodation to attend this hearing should contact the Clerk's office at 386-236-2150 by 4:00 pm at least 48 hours in advance of the meeting to request such assistance.*



**Meeting Date:** May 20, 2024

**Agenda Item:** 7-A

## **Report to Code Enforcement Board**

**Topic:** March 25, 2024 Hearing Minutes

**Summary:**

Staff has prepared the attached set of hearing minutes for the Board's review and approval.

**Suggested motion:**

To approve the attached set of hearing minutes As Presented - OR - As Amended

**Requested by:**

Ms. Stewart, Assistant Deputy Clerk

**Approved by:**

Mr. Disher, Town Manager



# Town of Ponce Inlet

## Code Enforcement Board

### Meeting Minutes

### March 25, 2024

1. **CALL TO ORDER:** The meeting was called to order at 9:30 a.m. in the Council Chambers, 4300 S. Atlantic Avenue, Ponce Inlet, Florida.

2. **PLEDGE OF ALLEGIANCE:** Led by Vice-Chair Cannon.

3. **ROLL CALL & DETERMINATION OF QUORUM:**

**Board Members Present:**

Ms. Richards, Seat #1

Mr. Van Valkenburgh, Seat #2

Mr. Finch, Seat #3 (*arrived at 9:39 am*)

Mr. Michel, Seat #4

Ms. Cannon, Seat #5

Mr. Fuess, Alternate Seat #1 - Absent

Ms. Rij, Alternate Seat #2

A quorum was established with four members and one alternate present.

**Staff Members Present:**

Attorney Cino, Code Board Attorney

Mr. Hooker, Code Compliance Manager

Mr. Lear, Planning & Development Director

Attorney Smith, Town Attorney

Ms. Stewart, Assistant Deputy Clerk

4. **ADOPTION OF THE AGENDA:** Ms. Richards moved to adopt the agenda as presented; seconded by Mr. Michel. The motion PASSED 5-0, with the following vote: Ms. Richards – yes; Mr. Van Valkenburgh – yes; Mr. Michel – yes; Vice-Chair Cannon – yes; Ms. Rij – yes.

5. **DISCLOSURE OF EX-PARTE COMMUNICATION:** None disclosed.

6. **ADMINISTERING THE OATH TO WITNESSES:** Attorney Cino administered the Oath to the witnesses who intended to provide testimony.

7. **APPROVAL OF THE MINUTES:**

A. **February 26, 2024**

Vice-Chair Cannon moved to adopt the minutes as amended; seconded by Mr. Michel. The motion PASSED 5-0, with the following vote: Vice-Chair Cannon – yes; Mr. Michel – yes Ms. Richards – yes; Mr. Van Valkenburgh – yes; Ms. Rij – yes.

8. **OLD BUSINESS:**

49           **A.       Case # 2023-671: Property Address: 4740 South Atlantic Avenue #5**  
50                   **Owner(s): Jamie & Maria Miller**  
51                   **Alleged Violations(s): Work requiring permits**  
52

53 Mr. Hooker reviewed the case history, noting that the case was presented to this board on January  
54 22, 2024, which found the owners in violation of the cited sections of code. The owners were  
55 granted 14 days on or before February 5, 2024, to obtain the required building permit. The case  
56 was presented again on February 26, 2024, at which time, the Board granted additional time for  
57 compliance based on evidence Mr. Miller provided at that hearing, extending the deadline to secure  
58 the required building permit to March 25, 2024. As of today's hearing date, there has been no  
59 further communication with Mr. Miller, nor has a permit application been submitted. Staff requests  
60 the imposition of a \$50 per day fine, retroactive to February 26, 2024; the \$250 administrative fee  
61 has already been assessed and paid by Mr. Miller. Mr. Michel asked how many times staff  
62 contacted the owner. Mr. Hooker noted the owner had been contacted at least a dozen times during  
63 this process and he reviewed what has taken place thus far. Mr. Van Valkenburgh commented he  
64 had asked Mr. Miller last month if he understood what needed to be done and had suggested he  
65 meet with Mr. Hooker; he asked if that had taken place. Mr. Hooker replied no; there has been no  
66 communication since the last meeting.

67  
68 Mr. Michel moved to find the property in non-compliance; imposed a \$50 per day fine, retroactive  
69 to February 26, 2024, until the matter is resolved; and noted that the \$250 administrative fee has  
70 been assessed and paid; seconded by Vice-Chair Cannon. The motion PASSED 5-0, with the  
71 following vote: Mr. Michel – yes; Vice Chair Cannon – yes; Ms. Richards – yes; Mr. Van  
72 Valkenburgh – yes; Ms. Rij - yes.  
73

74           **B.       Case # 2023-758: Property Address: 125 Ponce DeLeon Circle**  
75                   **Owner(s): Albert & Cyndee Jarrell**  
76                   **Alleged Violation(s): Unsafe Structure**  
77

78 Mr. Hooker reviewed the case history, noting that the case was presented to this board on January  
79 22, 2024, which found the owners in violation of the cited sections of code. The owners were  
80 granted 14 days on or before February 5, 2024, to secure the required permits. The case was  
81 brought back at the February 26, 2024, hearing, and the owners were granted an extension for  
82 compliance until March 5, 2024 to obtain the required permits. The owners applied for the required  
83 permits on March 14, 2024, after the March 5, 2024 deadline; the application is going through the  
84 review process with the building division and should be resolved soon. The administrative fee has  
85 been assessed and paid; staff requests to continue this case to the next scheduled hearing on April  
86 22, 2024 to allow time for the review process to be completed; should the permit be issued, staff  
87 will withdraw the case. Ms. Richards asked how long the review process is. Mr. Hooker explained  
88 it depends on the workload; currently, it is approximately two weeks. Mr. Van Valkenburgh asked  
89 for confirmation that Mr. Hooker's recommendation is to bring this case back next month; and  
90 asked if additional information is needed, would that be up to the owner. Mr. Hooker explained  
91 yes; it will be on the agenda next month for an update on where this case stands. Ms. Richards  
92 asked if there is construction fencing around the property since it is an unsafe structure. Mr. Hooker  
93 noted that it is a vacant lot; "No Trespassing" signs are in place. The seawall has been shored; the  
94 permit is for it to be repaired. \*Attorney Cino noted that Chair Finch is now present.\*  
95

96 Vice-Chair Cannon moved to continue Case #2023-758 to the April 22, 2024; seconded by Mr.  
97 Michel. The motion PASSED 5-0, with the following vote: Vice Chair Cannon – yes; Mr. Michel  
98 – yes; Ms. Richards – yes; Mr. Van Valkenburgh – yes; Chair Finch – yes.

99  
100 **9. NEW BUSINESS:**

- 101  
102 **A. Case # 2023-779; Property Address: 4335 South Atlantic Avenue**  
103 **Owner(s): Harriet Morris**  
104 **Alleged Violation(s): Work requiring permits**  
105

106 Staff requested this case be withdrawn; the owner complied prior to the compliance date stated on  
107 the violation.  
108

- 109 **B. Case #2024-149; Property Address: 4322 South Atlantic Avenue**  
110 **Owner(s): Andrew Lampert**  
111 **Alleged Violation(s): Property Maintenance Issue involving lot and/or**  
112 **dwelling**  
113

114 Staff requested this case be withdrawn; the owner complied prior to the compliance date stated on  
115 the violation.  
116

117 **11. BOARD/STAFF DISCUSSION:**

118  
119 **Case #2023-076 – 4734 South Atlantic Avenue**  
120 **Owner(s): Aisha Moore**

121 **Requested Update Discussion** – Mr. Hooker explained Ms. Moore has secured the  
122 required permits, the decking has been removed, and the permit is still active. The owner is in  
123 compliance with the Board's order and the case has been closed out. The owner is working with  
124 her lending institutions and drawing up plans for the demolition of the interior of the home and a  
125 possible addition to the back of the house. Chair Finch asked when the permit will expire. Mr.  
126 Hooker explained he believes June. He stated the owner still must call the town for an inspection.  
127 Vice-Chair Cannon asked if a new permit would be required to install a new deck. Mr. Hooker  
128 explained yes. Mr. Finch asked if the permit for the deck demolition included the back deck. Mr.  
129 Hooker replied yes. Mr. Van Valkenburgh asked for confirmation that the owner is working on  
130 plans and lending for an interior remodel and noted the property has been in disarray for two and  
131 a half years. Mr. Van Valkenburgh asked if there was any policy or procedure that could be used  
132 to escalate the repairs. Attorney Smith explained the law is clear in that the Code Enforcement  
133 Board, as the judge, does not have the discretion to direct Code Enforcement to bring a case as it  
134 could prejudice any case that needed to be called. There is either a code violation or there is not.  
135 Mr. Hooker noted there are no pending violations per se; the house is vacant, and the unsafe  
136 balconies have been removed per the Board's order. It is unsightly but not in a state of disrepair.  
137 Ms. Richards asked if the Town is responsible should someone trespass. Attorney Smith answered  
138 "no".  
139

140 Ms. Richards provided an update on the vacation rental property discussion held in  
141 January; she discussed it with the Mayor and the Council has agreed the issue needs more focus.  
142 Her take-away from that meeting was that the Town is looking at this, what the current  
143 enforcement methods are, and if properties are complying or not. She has other concerns she would  
144 like to discuss relating to this issue and asked if that could be a future agenda item. Chair Finch  
145 noted that there are enough questions regarding the issue and agreed it would be a good idea to  
146 place it on the agenda for discussion next month.  
147

Mr. Hooker noted that the May meeting falls on Memorial Day and Town Hall will be closed; he requested moving the meeting date to May 20, 2024; the Board agreed by consensus. Mr. Hooker noted that the June meeting will likely be cancelled due to conferences.

**12. ADJOURNMENT:** The hearing was adjourned at 9:55 a.m.

Next hearing date: Monday, April 22, 2024

Respectfully submitted by,

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Debbie Stewart, FCRM  
Assistant Deputy Clerk



**Meeting Date:** May 20, 2024

**Agenda Item:** 8-A

## **Report to Code Enforcement Board**

**Topic:** Case #2023-758  
Owner(s): Albert & Cyndee Jarrell  
Property Address: 125 Ponce DeLeon Circle  
Violation(s): Unsafe Structure

**Summary:** On January 22, 2024, this case was presented to the Board. The owners were found in non-compliance and granted until February 5, 2024 to obtain the required permits. At the February 26, 2024 Code Enforcement Board hearing, the Board issued an order extending time for compliance until March 5, 2024 to cure the violation. At the March 25, 2024 hearing, staff informed the Board that the required permit application had been submitted and requested additional time for the review process to take place.

Staff will provide updated testimony and evidence regarding this case. The Board will be asked to make a decision based on that evidence and testimony.

**Suggested motion:** To be determined by the Board after testimony and evidence has been provided on the case.

**Requested by:**

Mr. Hooker, Code Compliance Manager

**Approved by:**

Mr. Disher, Town Manager





**MEMORANDUM**  
**TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT**

*THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.*

**TO:** Code Enforcement Board

**THROUGH:** Drew Smith, Town Attorney

**FROM:** David Hooker, Code Compliance Manager

**DATE:** May 13, 2024

**DATE OF MEETING:** May 20, 2024

**Case Number:** 2023-758  
**Address:** 125 Ponce DeLeon Circle

**Alleged Violation:**  
 Work performed requiring permits

**Florida Building Code**  
**Section 116.1 – Conditions**

**International Property Maintenance Code**  
**Section 101.1 – General**  
**Section 108.1.5 (3) & (7) - Dangerous Structures or Premises**  
**Section 301.3 – Vacant structures and land**  
**Section 302.7 – Accessory Structures**

**Brief History:**

On March 31, 2022, a contractor submitted a permit application (285-2022) for the reconstruction of a seawall at the specified location. Upon commencement of the work, inspections revealed deviations from the approved plans, leading to the issuance of a STOP WORK ORDER.

Over the following weeks, the contractor collaborated with the staff to address the STOP WORK ORDER issue. On February 15, 2023, recognizing the impending expiration of the permit, the contractor formally requested an extension to prevent permit expiration.

During this period, the property owner decided to sell the property to Mr. & Mrs. Jarrell, the current owners, in April 2023. Seeking resolution, the Jarrell's consulted with the Town Building Official, who provided guidance on addressing the permitting challenges.

Unfortunately, the permit expired during the resolution process, and consequently, no further work transpired. Thus, a notice of violation/hearing was issued, citing the structure as unsafe.

Since receiving the original certified letter, the Jarrell's have engaged in communication with the Building Department once again to actively resolve the outstanding issues.

At the Code Enforcement Hearing on January 22, 2024, the owner was found to be in violation of the cited sections of the Codes. The owners were granted 14 days (on or before February 5, 2024) to secure the required permits.

On February 9, 2024, Mr. Jarrell paid the \$250 administration fee and informed staff that he was working on securing permit and that should be completed by the end of the following week (February 16, 2024)

On February 26, 2024, at the Code Enforcement Board Hearing, the Board issued an order extending the time for compliance. The owner is required to cure the violation before March 5, 2024, or this case is scheduled to be brought back for further adjudication at the March 25, 2024 hearing date.

At the March 25, 2024 hearing, staff advised the Code Enforcement Board that the permit application was submitted and is currently under review. Staff requested additional time for the review process to take place.

As of the date of this memorandum, the permit is still in the review process.

**Recommendation:**

Continue this case until the next scheduled hearing date of June 24, 2024.

BEFORE THE CODE ENFORCEMENT BOARD  
OF THE TOWN OF PONCE INLET, FLORIDA

TOWN OF PONCE INLET, FLORIDA,  
a municipal corporation,

Petitioner,

vs.

CASE NO.: 2023-758

ALBERT & CYNDEE JARRELL,

Respondents.

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**ORDER EXTENDING TIME FOR COMPLIANCE**

This cause was heard on the 26<sup>th</sup> day of February, 2024 by the Code Enforcement Board of the Town of Ponce Inlet after due notice to Respondents and a public hearing, and the Code Enforcement Board, having heard testimony and argument thereon, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT:

1. Respondents are the owners of property located at 125 Ponce DeLeon Circle, Ponce Inlet, Florida, 32127 with Volusia County Parcel ID 6430-01-00-0030 (the "Subject Property").
2. On November 14, 2023, the Code Compliance Manager issued a Notice of Violation to Respondents citing a violation of Sections 116.1 of the Florida Building Code and sections 108.1, 108.1.5, 301.3, 302.7 of the International Property Maintenance Code, as adopted by the Town of Ponce Inlet.
3. On January 22, 2024, the Code Enforcement Board entered an Order requiring Respondents to cure the violations on or before February 5, 2024.
4. The Respondents have requested an extension of time to cure the violations.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

5. Respondents shall cure the violation before March 5, 2024 by obtaining the required building permit through the Town of Ponce Inlet. Failure to obtain will result in this case being brought back for further consideration at the March 25, 2024, hearing.

6. Any violation of the same code section by any Respondent within five years of the date of this Order may be prosecuted as a repeat violation pursuant to Chapter 162, Florida Statutes.

ORDERED at Ponce Inlet, Volusia County, Florida on this 26<sup>TH</sup> day of February 26, 2024.



Peter Finch, Chairperson  
Code Enforcement Board

ATTEST:

  
Debbie Stewart  
Deputy Clerk

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the Respondent by U.S. Mail, First Class, the 28 day of February, 2024.

  
David Hooker, Code Compliance Manager



**Meeting Date:** May 20, 2024

**Agenda Item:** 9-A

## **Report to Code Enforcement Board**

**Topic:** Case #2024-324  
Owner(s): Ylian Snyder & Grant Renne  
Property Address: 112 Anchor Drive  
Alleged Violation(s): Irrigation system without the required backflow preventor and/or testing

**Summary:** Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

**Suggested motion:** To be determined by the Board after testimony and evidence has been provided on the case.

**Requested by:**

Mr. Hooker, Code Compliance Manager

**Approved by:**

Mr. Disher, Town Manager



**MEMORANDUM**  
**TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT**

*THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.*

**TO:** Code Enforcement Board

**THROUGH:** Drew Smith, Town Attorney

**FROM:** David Hooker, Code Compliance Manager

**DATE:** May 13, 2024

**DATE OF MEETING:** May 20, 2024

**Case Number:** 2024-324  
**Address:** 112 Anchor Drive

**Alleged Violation:**

Irrigation system without the required backflow prevention device and/or passing test report being filed.

**Code of Ordinance**

Section 78-65 – Cross Connection Control

**Brief History:**

In accordance with the Florida Administrative Code and the Town's adopted municipal code, it is incumbent upon the Town to safeguard the integrity of its public water supply system.

One crucial measure to ensure this protection is the installation of backflow prevention devices between individual properties and the Town's water meters.

Beginning in 2023, the Town's Public Works Department initiated a proactive effort to identify properties lacking the requisite backflow prevention devices. Therefore, on December 5, 2023, certified letters were dispatched to approximately 110 property owners, apprising them of their non-compliance regarding backflow prevention device installation and how to correct.

The certified correspondence afforded property owners a grace period until April 1, 2024—spanning 117 days—to rectify the compliance deficiency in alignment with the established regulations.

After this grace period elapsed, on April 1, 2024, the oversight of these non-compliant properties was transitioned to the purview of Code Enforcement. Formal notices of violations were issued to property owners found in violation. An additional timeframe until May 10, 2024—amounting to 39 days—was granted to facilitate compliance.

As of the present hearing date, the subject property persists in non-compliance with the mandated code requirements.

**Recommendation:**

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.



**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000324**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## Violation Notice

**Owner/Violator:** Ylian Snyder & Grant Renne

**Mailing Address**

112 Anchor Drive  
Ponce Inlet, Florida 32127

**Notice of Violation for the following location:**

**Address**

112 Anchor Drive  
PONCE INLET, FL 32127

**Parcel**

6313-03-00-0070

This violation letter is to inform you that staff has observed a violation at the property in which according to the Volusia County Property Appraiser's Office, this property is owned by you in the Town of Ponce Inlet.

On December 5, 2023, a certified letter was sent to you addressing the violation of no backflow preventor device and / or passing test report being filed, on your irrigation system as required by Town code and state law. This letter granted you until April 1, 2024 to have your property in compliance with the adopted regulations. As of today's date, your property remains in violation.

**The violation and how to correct are:**

1 – Irrigation system without required backflow prevention device and/or passing test report being filed.

**How to Correct:**

**Item Number 1**

a. have a licensed plumbing contractor or licensed irrigation contractor secure a building permit for the installation backflow device and have it tested to ensure compliance.

b. or have the irrigation meter removed from the system

You are hereby cited with the following sections of code.

**Code of Ordinance**

**Section 78-65 – Cross Connection Control**

(a) The town hereby adopts Recommended Practice for Backflow Prevention and Cross-Connection Control Manual (M-14), Third Edition, and subsequent editions, which is incorporated by reference. A copy of the manual is on file in the office of the town clerk.

(b) Cross connection, as defined by Rule 62-550.200, Florida Administrative Code, is prohibited. However, a person who owns or manages a public water system may interconnect to another public water system if that system is operated and maintained in accordance with this chapter. Any person making, or allowing to be made, such cross connection to the town water system shall be subject to the penalties of sections 1-11 and 78-65(k) of this Code or may be brought before the code enforcement board, at the option of the town.





**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000324**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## **Violation Notice**

(c) The town adopts by reference the Town of Ponce Inlet "Cross Connection Control Program Manual", 2008 version, as may be updated and amended from time to time. The manual adopts procedures to detect and prevent cross connections that create or may create a potential danger to public health. The town's Cross Connection Control Program Manual reflects accepted practices of the American Water Works Association (AWWA) guidelines as set forth in the Association's Manual M-14, Recommended Practice for Backflow Prevention and Cross Connection Control, Third Edition.

(d) The public works director, or any employee so authorized by the director, shall have the right to enter any property serviced by the utility for the purpose of inspection for cross connections. In so doing, the director or the authorized employee shall first seek the permission of a person of suitable age and discretion therein or in control of the premises. Failure to grant such permission shall be deemed as a rebuttable presumption of a violation and shall provide the person seeking such permission with probable

cause to seek an inspection warrant pursuant to F.S. § 933.30 et seq. Upon written notice to the owner or manager, repeated failure to allow the public works director or any employee so authorized by the director to access the property for the purpose of inspection for cross connection may result in the discontinuance of potable water service to the premises until the inspection has taken place.

(e) Except as otherwise provided in the town's Cross Connection Control Program Manual, all new construction for which a building permit is issued, except for single-family residential or town houses no higher than two stories with individual meters, shall have installed on all potable water and fire protection system lines a backflow prevention device acceptable under the AWWA Manual M-14 and of a size and design determined to be appropriate by the public works director or designee. All construction, whether commercial or residential, shall have such device installed by a licensed plumbing contractor. The device shall be installed on private property, at the service connection, before any potential "take-offs", and at the property owner's expense.

(f) Except as otherwise provided in the town's Cross Connection Control Program Manual, backflow prevention devices acceptable under AWWA Manual M-14 shall be installed on existing commercial, condominiums, or multi-family residential master meters connected to the town's potable water system by a licensed plumbing contractor, and such installation shall be tested by a certified backflow prevention tester approved by the public works director at the following times:

- (1) At the time of any site or building modification requiring site plan review and approval; or
- (2) At the time of any plumbing modification requiring a plumbing permit; or
- (3) At the time of annexation of an existing property connected to the town's potable water system; or
- (4) At the time of meter installation or replacement; or
- (5) At the time an inspection reveal a cross connection which creates or may create a danger to public health; or
- (6) At the time it is determined that a potential hazard exists and a backflow prevention device is warranted.

(g) *Irrigation systems.* Backflow prevention devices acceptable under AWWA Manual M-14 shall be installed by a licensed plumbing contractor or licensed irrigation contractor under a plumbing permit issued for construction and connection of an irrigation system to the town's potable water system.



**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000324**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## **Violation Notice**

Backflow prevention devices acceptable under AWWA Manual M-14 shall be installed on existing irrigation system connections to the town's potable water system, and such installation shall be tested by a certified backflow prevention tester approved by the public works director, at the following times:

- (1) At the time of any irrigation system modifications requiring a plumbing permit; or
- (2) At the time of irrigation meter installation or replacement; or
- (3) At the time an inspection reveals a cross connection which creates or may create a danger to public health; or
- (4) At the time it is determined that a potential hazard exists and a backflow prevention device is warranted.

**(h) Maintenance of backflow prevention devices.**

(1) All backflow prevention devices shall be inspected and tested by a certified backflow prevention device tester with the cost of inspection and testing to be paid for by the owner of the property required to have such devices. Inspection and testing shall be made on an annual basis.

(2) Any such tester shall have attended and successfully completed the Training, Research, and Education for Environmental Occupations (TREEO) certification program for backflow prevention device testers at the University of Florida, or an equivalent program as determined by the public works director, and shall keep current and keep on file with the public works director a copy of such certificate.

(3) Each owner responsible for the inspection and maintenance of his own backflow prevention device shall file each year a statement from a certified tester that the device has been inspected and that it is working properly. Such statement shall be filed no later than one year from the date of filing the previous statement.

Failure to comply with this section may result in the disconnection of the premises from the town water system until such time as the required statement is provided. If a statement is not received from the owner on or before the required date, a notice will be sent to the owner by the town allowing a reasonable time for the inspection and testing of the device to be completed. If no inspection or service documentation has been received by the town from the owner after the time set for such inspection and testing, the Town may disconnect service of the premises from the town water system.

*(i) Special provision for tank truck, developers.* Water used to fill tank trucks, such as pest control vehicles, from town approved sources shall be measured through a town approved meter, such approved meter shall be supplied by the town. A reduced pressure or air gap separation backflow prevention device shall be installed on any fill line being utilized. Tank truck owners shall have their backflow prevention devices checked annually by a state certified backflow prevention tester and shall provide proof of such testing to the town at the time the meter is issued. The backflow testing certificate shall not exceed one year from the previous test date, or connection to a town source shall be denied.

*(j) The town council may, by resolution, establish fees for implementation of this section.*

*(k) Violations and liability.*



**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000324**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## Violation Notice

(1) It is unlawful for any person, entity, or customer to cause an illegal cross connection with the town's water or wastewater system. Any person, entity, or customer in violation of any of the provisions of this section shall become liable to the town for any expense, loss, or damage incurred by the town by reason of such violation, including any attorney's fees.

(2) In the event any prohibited cross connection is discovered, the public works director shall take the following action:

a. Direct the immediate discontinuance of potable water service to the site until the contaminant source is eliminated; or

b. Direct the immediate elimination of the cross connection by the installation of a backflow prevention device acceptable under the AWWA Manual M-14.

(3) Any inspector, town officer, employee, special magistrate, or member of the code enforcement board, if any, who is or may be charged with or involved in the enforcement of this section, in the discharge of such duties, shall not thereby be personally liable, and is, to the extent permitted by law, hereby relieved from all and protected by the town against any personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties.  
(Ord. No. 2005-03, § 1, 4-20-2005; Ord. No. 2008-04, § 1, 5-21-2008)

**Compliance Date: May 10, 2024**

**If you are unable to meet the required compliance date, this case will be referred to the Town's Code Enforcement Board for a hearing scheduled for May 20, 2024, at 9:30 a.m. located at 4300 South Atlantic Avenue, Ponce Inlet, Florida.**

**If you are found to be in violation of the cited sections of Town code, a daily fine of up to \$250 per day may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.**

**Both these charges will be recorded into the public records of Volusia County and will constitute a lien of your property, as well as any other property that is owned by you in the state of Florida in accordance with Florida statutes 162.09(3).**

If you have any questions related to this matter, please do not hesitate Mr. Fred Griffith, Public Works Director at 386-322-6729.

Kindest Regards,

  
David Hooker, CEP  
Code Compliance Manager

Certified Mail – 9589-0710-5270-1429-4718-81



**Meeting Date:** May 20, 2024

**Agenda Item:** 9-B

## **Report to Code Enforcement Board**

**Topic:** Case #2024-328  
Owner(s): R.F. Mohl  
Property Address: 30 Inlet Point Boulevard  
Alleged Violation(s): Irrigation system without the required backflow preventor and/or testing

**Summary:** Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

**Suggested motion:** To be determined by the Board after testimony and evidence has been provided on the case.

**Requested by:**

Mr. Hooker, Code Compliance Manager

**Approved by:**

Mr. Disher, Town Manager



**MEMORANDUM**  
**TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT**

*THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.*

**TO:** Code Enforcement Board

**THROUGH:** Drew Smith, Town Attorney

**FROM:** David Hooker, Code Compliance Manager

**DATE:** May 13, 2024

**DATE OF MEETING:** May 20, 2024

**Case Number:** 2024-328  
**Address:** 30 Inlet Point Boulevard

**Alleged Violation:**

Irrigation system without the required backflow prevention device and/or passing test report being filed.

**Code of Ordinance**

Section 78-65 – Cross Connection Control

**Brief History:**

In accordance with the Florida Administrative Code and the Town's adopted municipal code, it is incumbent upon the Town to safeguard the integrity of its public water supply system.

One crucial measure to ensure this protection is the installation of backflow prevention devices between individual properties and the Town's water meters.

Beginning in 2023, the Town's Public Works Department initiated a proactive effort to identify properties lacking the requisite backflow prevention devices. Therefore, on December 5, 2023, certified letters were dispatched to approximately 110 property owners, apprising them of their non-compliance regarding backflow prevention device installation and how to correct.

The certified correspondence afforded property owners a grace period until April 1, 2024—spanning 117 days—to rectify the compliance deficiency in alignment with the established regulations.

After this grace period, on April 1, 2024, the oversight of these non-compliant properties was transitioned to the purview of Code Enforcement. Formal notices of violations were issued to property owners found in violation. An additional timeframe until May 10, 2024—amounting to 39 days—was granted to facilitate compliance.

As of the present hearing date, the subject property persists in non-compliance with the mandated code requirements.

**Recommendation:**

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.



**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000328**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## Violation Notice

**Owner/Violator:** R.F. Mohl

**Mailing Address**

30 Inlet Point Blvd  
Ponce Inlet, Florida 32127

**Notice of Violation for the following location:**

**Address**

30 Inlet Point Blvd  
PONCE INLET, FL 32127

**Parcel**

6429-03-00-0210

This violation letter is to inform you that staff has observed a violation at the property in which according to the Volusia County Property Appraiser's Office, this property is owned by you in the Town of Ponce Inlet.

On December 5, 2023, a certified letter was sent to you addressing the violation of no backflow preventor device and / or passing test report being filed, on your irrigation system as required by Town code and state law. This letter granted you until April 1, 2024 to have your property in compliance with the adopted regulations. As of today's date, your property remains in violation.

**The violation and how to correct are:**

**1** – Irrigation system without required backflow prevention device and/or passing test report being filed.

**How to Correct:**

**Item Number 1**

**a.** have a licensed plumbing contractor or licensed irrigation contractor secure a building permit for the installation backflow device and have it tested to ensure compliance.

**b.** or have the irrigation meter removed from the system

You are hereby cited with the following sections of code.

**Code of Ordinance**

**Section 78-65 – Cross Connection Control**

(a) The town hereby adopts Recommended Practice for Backflow Prevention and Cross-Connection Control Manual (M-14), Third Edition, and subsequent editions, which is incorporated by reference. A copy of the manual is on file in the office of the town clerk.

(b) Cross connection, as defined by Rule 62-550.200, Florida Administrative Code, is prohibited. However, a person who owns or manages a public water system may interconnect to another public water system if that system is operated and maintained in accordance with this chapter. Any person making, or allowing to be made, such cross connection to the town water system shall be subject to the penalties of sections 1-11 and 78-65(k) of this Code or may be brought before the code enforcement board, at the option of the town.



**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000328**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## **Violation Notice**

(c) The town adopts by reference the Town of Ponce Inlet "Cross Connection Control Program Manual", 2008 version, as may be updated and amended from time to time. The manual adopts procedures to detect and prevent cross connections that create or may create a potential danger to public health. The town's Cross Connection Control Program Manual reflects accepted practices of the American Water Works Association (AWWA) guidelines as set forth in the Association's Manual M-14, Recommended Practice for Backflow Prevention and Cross Connection Control, Third Edition.

(d) The public works director, or any employee so authorized by the director, shall have the right to enter any property serviced by the utility for the purpose of inspection for cross connections. In so doing, the director or the authorized employee shall first seek the permission of a person of suitable age and discretion therein or in control of the premises. Failure to grant such permission shall be deemed as a rebuttable presumption of a violation and shall provide the person seeking such permission with probable

cause to seek an inspection warrant pursuant to F.S. § 933.30 et seq. Upon written notice to the owner or manager, repeated failure to allow the public works director or any employee so authorized by the director to access the property for the purpose of inspection for cross connection may result in the discontinuance of potable water service to the premises until the inspection has taken place.

(e) Except as otherwise provided in the town's Cross Connection Control Program Manual, all new construction for which a building permit is issued, except for single-family residential or town houses no higher than two stories with individual meters, shall have installed on all potable water and fire protection system lines a backflow prevention device acceptable under the AWWA Manual M-14 and of a size and design determined to be appropriate by the public works director or designee. All construction, whether commercial or residential, shall have such device installed by a licensed plumbing contractor. The device shall be installed on private property, at the service connection, before any potential "take-offs", and at the property owner's expense.

(f) Except as otherwise provided in the town's Cross Connection Control Program Manual, backflow prevention devices acceptable under AWWA Manual M-14 shall be installed on existing commercial, condominiums, or multi-family residential master meters connected to the town's potable water system by a licensed plumbing contractor, and such installation shall be tested by a certified backflow prevention tester approved by the public works director at the following times:

- (1) At the time of any site or building modification requiring site plan review and approval; or
- (2) At the time of any plumbing modification requiring a plumbing permit; or
- (3) At the time of annexation of an existing property connected to the town's potable water system; or
- (4) At the time of meter installation or replacement; or
- (5) At the time an inspection reveal a cross connection which creates or may create a danger to public health; or
- (6) At the time it is determined that a potential hazard exists and a backflow prevention device is warranted.

(g) *Irrigation systems.* Backflow prevention devices acceptable under AWWA Manual M-14 shall be installed by a licensed plumbing contractor or licensed irrigation contractor under a plumbing permit issued for construction and connection of an irrigation system to the town's potable water system.





## Town of Ponce Inlet

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000328**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

# Violation Notice

Backflow prevention devices acceptable under AWWA Manual M-14 shall be installed on existing irrigation system connections to the town's potable water system, and such installation shall be tested by a certified backflow prevention tester approved by the public works director, at the following times:

- (1) At the time of any irrigation system modifications requiring a plumbing permit; or
- (2) At the time of irrigation meter installation or replacement; or
- (3) At the time an inspection reveals a cross connection which creates or may create a danger to public health; or
- (4) At the time it is determined that a potential hazard exists and a backflow prevention device is warranted.

### (h) Maintenance of backflow prevention devices.

(1) All backflow prevention devices shall be inspected and tested by a certified backflow prevention device tester with the cost of inspection and testing to be paid for by the owner of the property required to have such devices. Inspection and testing shall be made on an annual basis.

(2) Any such tester shall have attended and successfully completed the Training, Research, and Education for Environmental Occupations (TREEO) certification program for backflow prevention device testers at the University of Florida, or an equivalent program as determined by the public works director, and shall keep current and keep on file with the public works director a copy of such certificate.

(3) Each owner responsible for the inspection and maintenance of his own backflow prevention device shall file each year a statement from a certified tester that the device has been inspected and that it is working properly. Such statement shall be filed no later than one year from the date of filing the previous statement.

Failure to comply with this section may result in the disconnection of the premises from the town water system until such time as the required statement is provided. If a statement is not received from the owner on or before the required date, a notice will be sent to the owner by the town allowing a reasonable time for the inspection and testing of the device to be completed. If no inspection or service documentation has been received by the town from the owner after the time set for such inspection and testing, the Town may disconnect service of the premises from the town water system.

(i) *Special provision for tank truck, developers.* Water used to fill tank trucks, such as pest control vehicles, from town approved sources shall be measured through a town approved meter, such approved meter shall be supplied by the town. A reduced pressure or air gap separation backflow prevention device shall be installed on any fill line being utilized. Tank truck owners shall have their backflow prevention devices checked annually by a state certified backflow prevention tester and shall provide proof of such testing to the town at the time the meter is issued. The backflow testing certificate shall not exceed one year from the previous test date, or connection to a town source shall be denied.

(j) The town council may, by resolution, establish fees for implementation of this section.

(k) *Violations and liability.*



**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000328**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## Violation Notice

(1) It is unlawful for any person, entity, or customer to cause an illegal cross connection with the town's water or wastewater system. Any person, entity, or customer in violation of any of the provisions of this section shall become liable to the town for any expense, loss, or damage incurred by the town by reason of such violation, including any attorney's fees.

(2) In the event any prohibited cross connection is discovered, the public works director shall take the following action:

- a. Direct the immediate discontinuance of potable water service to the site until the contaminant source is eliminated; or
- b. Direct the immediate elimination of the cross connection by the installation of a backflow prevention device acceptable under the AWWA Manual M-14.

(3) Any inspector, town officer, employee, special magistrate, or member of the code enforcement board, if any, who is or may be charged with or involved in the enforcement of this section, in the discharge of such duties, shall not thereby be personally liable, and is, to the extent permitted by law, hereby relieved from all and protected by the town against any personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties.  
(Ord. No. 2005-03, § 1, 4-20-2005; Ord. No. 2008-04, § 1, 5-21-2008)

**Compliance Date: May 10, 2024**

**If you are unable to meet the required compliance date, this case will be referred to the Town's Code Enforcement Board for a hearing scheduled for May 20, 2024, at 9:30 a.m. located at 4300 South Atlantic Avenue, Ponce Inlet, Florida.**

**If you are found to be in violation of the cited sections of Town code, a daily fine of up to \$250 per day may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.**

**Both these charges will be recorded into the public records of Volusia County and will constitute a lien of your property, as well as any other property that is owned by you in the state of Florida in accordance with Florida statutes 162.09(3).**

If you have any questions related to this matter, please do not hesitate Mr. Fred Griffith, Public Works Director at 386-322-6729.

Kindest Regards,

David Hooker, CEP  
Code Compliance Manager

Certified Mail  
9589-0710-5270-1429-4720-62



**Meeting Date:** May 20, 2024

**Agenda Item:** 9-C

## **Report to Code Enforcement Board**

**Topic:** Case #2024-332  
Owner(s): Scott & Amy Garrett  
Property Address: 35 Inlet Point Boulevard  
Alleged Violation(s): Irrigation system without the required backflow preventor and/or testing

**Summary:** Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

**Suggested motion:** To be determined by the Board after testimony and evidence has been provided on the case.

**Requested by:**

Mr. Hooker, Code Compliance Manager

**Approved by:**

Mr. Disher, Town Manager



**MEMORANDUM**  
**TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT**

*THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.*

**TO:** Code Enforcement Board

**THROUGH:** Drew Smith, Town Attorney

**FROM:** David Hooker, Code Compliance Manager

**DATE:** May 13, 2024

**DATE OF MEETING:** May 20, 2024

---

**Case Number:** 2024-332  
**Address:** 35 Inlet Point Boulevard

**Alleged Violation:**

Irrigation system without the required backflow prevention device and/or passing test report being filed.

**Code of Ordinance**

Section 78-65 – Cross Connection Control

**Brief History:**

In accordance with the Florida Administrative Code and the Town's adopted municipal code, it is incumbent upon the Town to safeguard the integrity of its public water supply system.

One crucial measure to ensure this protection is the installation of backflow prevention devices between individual properties and the Town's water meters.

Beginning in 2023, the Town's Public Works Department initiated a proactive effort to identify properties lacking the requisite backflow prevention devices. Therefore, on December 5, 2023, certified letters were dispatched to approximately 110 property owners, apprising them of their non-compliance regarding backflow prevention device installation and how to correct.

The certified correspondence afforded property owners a grace period until April 1, 2024—spanning 117 days—to rectify the compliance deficiency in alignment with the established regulations.

After this grace period elapsed, on April 1, 2024, the oversight of these non-compliant properties was transitioned to the purview of Code Enforcement. Formal notices of violations were issued to property owners found in violation. An additional timeframe until May 10, 2024—amounting to 39 days—was granted to facilitate compliance.

As of the present hearing date, the subject property persists in non-compliance with the mandated code requirements.

**Recommendation:**

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.



**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000332**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## Violation Notice

**Owner/Violator:** Confidential – FS 119.071

**Mailing Address**

35 Inlet Point Blvd  
Ponce Inlet, Florida 32127

**Notice of Violation for the following location:**

**Address**

35 Inlet Point Blvd  
PONCE INLET, FL 32127

**Parcel**

6429-03-00-0020

This violation letter is to inform you that staff has observed a violation at the property in which according to the Volusia County Property Appraiser's Office, this property is owned by you in the Town of Ponce Inlet.

On December 5, 2023, a certified letter was sent to you addressing the violation of no backflow preventor device and / or passing test report being filed, on your irrigation system as required by Town code and state law. This letter granted you until April 1, 2024 to have your property in compliance with the adopted regulations. As of today's date, your property remains in violation.

**The violation and how to correct are:**

**1** – Irrigation system without required backflow prevention device and/or passing test report being filed.

**How to Correct:**

**Item Number 1**

**a.** have a licensed plumbing contractor or licensed irrigation contractor secure a building permit for the installation backflow device and have it tested to ensure compliance.

**b.** or have the irrigation meter removed from the system

You are hereby cited with the following sections of code.

**Code of Ordinance**

**Section 78-65 – Cross Connection Control**

(a) The town hereby adopts Recommended Practice for Backflow Prevention and Cross-Connection Control Manual (M-14), Third Edition, and subsequent editions, which is incorporated by reference. A copy of the manual is on file in the office of the town clerk.

(b) Cross connection, as defined by Rule 62-550.200, Florida Administrative Code, is prohibited. However, a person who owns or manages a public water system may interconnect to another public water system if that system is operated and maintained in accordance with this chapter. Any person making, or allowing to be made, such cross connection to the town water system shall be subject to the penalties of sections 1-11 and 78-65(k) of this Code or may be brought before the code enforcement board, at the option of the town.



**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000332**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## Violation Notice

(c) The town adopts by reference the Town of Ponce Inlet "Cross Connection Control Program Manual", 2008 version, as may be updated and amended from time to time. The manual adopts procedures to detect and prevent cross connections that create or may create a potential danger to public health. The town's Cross Connection Control Program Manual reflects accepted practices of the American Water Works Association (AWWA) guidelines as set forth in the Association's Manual M-14, Recommended Practice for Backflow Prevention and Cross Connection Control, Third Edition.

(d) The public works director, or any employee so authorized by the director, shall have the right to enter any property serviced by the utility for the purpose of inspection for cross connections. In so doing, the director or the authorized employee shall first seek the permission of a person of suitable age and discretion therein or in control of the premises. Failure to grant such permission shall be deemed as a rebuttable presumption of a violation and shall provide the person seeking such permission with probable

cause to seek an inspection warrant pursuant to F.S. § 933.30 et seq. Upon written notice to the owner or manager, repeated failure to allow the public works director or any employee so authorized by the director to access the property for the purpose of inspection for cross connection may result in the discontinuance of potable water service to the premises until the inspection has taken place.

(e) Except as otherwise provided in the town's Cross Connection Control Program Manual, all new construction for which a building permit is issued, except for single-family residential or town houses no higher than two stories with individual meters, shall have installed on all potable water and fire protection system lines a backflow prevention device acceptable under the AWWA Manual M-14 and of a size and design determined to be appropriate by the public works director or designee. All construction, whether commercial or residential, shall have such device installed by a licensed plumbing contractor. The device shall be installed on private property, at the service connection, before any potential "take-offs", and at the property owner's expense.

(f) Except as otherwise provided in the town's Cross Connection Control Program Manual, backflow prevention devices acceptable under AWWA Manual M-14 shall be installed on existing commercial, condominiums, or multi-family residential master meters connected to the town's potable water system by a licensed plumbing contractor, and such installation shall be tested by a certified backflow prevention tester approved by the public works director at the following times:

- (1) At the time of any site or building modification requiring site plan review and approval; or
- (2) At the time of any plumbing modification requiring a plumbing permit; or
- (3) At the time of annexation of an existing property connected to the town's potable water system; or
- (4) At the time of meter installation or replacement; or
- (5) At the time an inspection reveal a cross connection which creates or may create a danger to public health; or
- (6) At the time it is determined that a potential hazard exists and a backflow prevention device is warranted.

(g) *Irrigation systems.* Backflow prevention devices acceptable under AWWA Manual M-14 shall be installed by a licensed plumbing contractor or licensed irrigation contractor under a plumbing permit issued for construction and connection of an irrigation system to the town's potable water system.



**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000332**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## **Violation Notice**

Backflow prevention devices acceptable under AWWA Manual M-14 shall be installed on existing irrigation system connections to the town's potable water system, and such installation shall be tested by a certified backflow prevention tester approved by the public works director, at the following times:

- (1) At the time of any irrigation system modifications requiring a plumbing permit; or
- (2) At the time of irrigation meter installation or replacement; or
- (3) At the time an inspection reveals a cross connection which creates or may create a danger to public health; or
- (4) At the time it is determined that a potential hazard exists and a backflow prevention device is warranted.

**(h) Maintenance of backflow prevention devices.**

(1) All backflow prevention devices shall be inspected and tested by a certified backflow prevention device tester with the cost of inspection and testing to be paid for by the owner of the property required to have such devices. Inspection and testing shall be made on an annual basis.

(2) Any such tester shall have attended and successfully completed the Training, Research, and Education for Environmental Occupations (TREEO) certification program for backflow prevention device testers at the University of Florida, or an equivalent program as determined by the public works director, and shall keep current and keep on file with the public works director a copy of such certificate.

(3) Each owner responsible for the inspection and maintenance of his own backflow prevention device shall file each year a statement from a certified tester that the device has been inspected and that it is working properly. Such statement shall be filed no later than one year from the date of filing the previous statement.

Failure to comply with this section may result in the disconnection of the premises from the town water system until such time as the required statement is provided. If a statement is not received from the owner on or before the required date, a notice will be sent to the owner by the town allowing a reasonable time for the inspection and testing of the device to be completed. If no inspection or service documentation has been received by the town from the owner after the time set for such inspection and testing, the Town may disconnect service of the premises from the town water system.

(i) *Special provision for tank truck, developers.* Water used to fill tank trucks, such as pest control vehicles, from town approved sources shall be measured through a town approved meter, such approved meter shall be supplied by the town. A reduced pressure or air gap separation backflow prevention device shall be installed on any fill line being utilized. Tank truck owners shall have their backflow prevention devices checked annually by a state certified backflow prevention tester and shall provide proof of such testing to the town at the time the meter is issued. The backflow testing certificate shall not exceed one year from the previous test date, or connection to a town source shall be denied.

(j) The town council may, by resolution, establish fees for implementation of this section.

(k) *Violations and liability.*





**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000332**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## Violation Notice

(1) It is unlawful for any person, entity, or customer to cause an illegal cross connection with the town's water or wastewater system. Any person, entity, or customer in violation of any of the provisions of this section shall become liable to the town for any expense, loss, or damage incurred by the town by reason of such violation, including any attorney's fees.

(2) In the event any prohibited cross connection is discovered, the public works director shall take the following action:

a. Direct the immediate discontinuance of potable water service to the site until the contaminant source is eliminated; or

b. Direct the immediate elimination of the cross connection by the installation of a backflow prevention device acceptable under the AWWA Manual M-14.

(3) Any inspector, town officer, employee, special magistrate, or member of the code enforcement board, if any, who is or may be charged with or involved in the enforcement of this section, in the discharge of such duties, shall not thereby be personally liable, and is, to the extent permitted by law, hereby relieved from all and protected by the town against any personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties.  
(Ord. No. 2005-03, § 1, 4-20-2005; Ord. No. 2008-04, § 1, 5-21-2008)

**Compliance Date: May 10, 2024**

**If you are unable to meet the required compliance date, this case will be referred to the Town's Code Enforcement Board for a hearing scheduled for May 20, 2024, at 9:30 a.m. located at 4300 South Atlantic Avenue, Ponce Inlet, Florida.**

**If you are found to be in violation of the cited sections of Town code, a daily fine of up to \$250 per day may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.**

**Both these charges will be recorded into the public records of Volusia County and will constitute a lien of your property, as well as any other property that is owned by you in the state of Florida in accordance with Florida statutes 162.09(3).**

If you have any questions related to this matter, please do not hesitate Mr. Fred Griffith, Public Works Director at 386-322-6729.

Kindest Regards,

A handwritten signature in black ink that reads "David Hooker". The signature is stylized with a large "D" and a long horizontal line extending to the right.

David Hooker, CEP  
Code Compliance Manager

Certified Mail  
9589-0710-5270-1429-4721-16



**Meeting Date:** May 20, 2024

**Agenda Item:** 9-D

## **Report to Code Enforcement Board**

**Topic:** Case #2024-333  
Owner(s): Randhir & Nekpal Singh  
Property Address: 36 Caribbean Way  
Alleged Violation(s): Irrigation system without the required backflow preventor and/or testing

**Summary:** Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

**Suggested motion:** To be determined by the Board after testimony and evidence has been provided on the case.

**Requested by:**

Mr. Hooker, Code Compliance Manager

**Approved by:**

Mr. Disher, Town Manager



**MEMORANDUM**  
**TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT**

*THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE  
 ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.*

**TO:** Code Enforcement Board

**THROUGH:** Drew Smith, Town Attorney

**FROM:** David Hooker, Code Compliance Manager

**DATE:** May 13, 2024

**DATE OF MEETING:** May 20, 2024

---

**Case Number:** 2024-333  
**Address:** 36 Caribbean Way

**Alleged Violation:**

Irrigation system without the required backflow prevention device and/or passing test report being filed.

**Code of Ordinance**

Section 78-65 – Cross Connection Control

**Brief History:**

In accordance with the Florida Administrative Code and the Town's adopted municipal code, it is incumbent upon the Town to safeguard the integrity of its public water supply system.

One crucial measure to ensure this protection is the installation of backflow prevention devices between individual properties and the Town's water meters.

Beginning in 2023, the Town's Public Works Department initiated a proactive effort to identify properties lacking the requisite backflow prevention devices. Therefore, on December 5, 2023, certified letters were dispatched to approximately 110 property owners, apprising them of their non-compliance regarding backflow prevention device installation and how to correct.

The certified correspondence afforded property owners a grace period until April 1, 2024—spanning 117 days—to rectify the compliance deficiency in alignment with the established regulations.

After this grace period elapsed, on April 1, 2024, the oversight of these non-compliant properties was transitioned to the purview of Code Enforcement. Formal notices of violations were issued to property owners found in violation. An additional timeframe until May 10, 2024—amounting to 39 days—was granted to facilitate compliance.

As of the present hearing date, the subject property persists in non-compliance with the mandated code requirements.

**Recommendation:**

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.


**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000333**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

# Violation Notice

**Owner/Violator:** Randhir & Nekpal Singh

**Mailing Address**

36 Caribbean Way  
Ponce Inlet, Florida 32127

**Notice of Violation for the following location:**

**Address**

36 Caribbean Way  
PONCE INLET, FL 32127

**Parcel**

6437-06-00-0040

This violation letter is to inform you that staff has observed a violation at the property in which according to the Volusia County Property Appraiser's Office, this property is owned by you in the Town of Ponce Inlet.

On December 5, 2023, a certified letter was sent to you addressing the violation of no backflow preventor device and / or passing test report being filed, on your irrigation system as required by Town code and state law. This letter granted you until April 1, 2024 to have your property in compliance with the adopted regulations. As of today's date, your property remains in violation.

**The violation and how to correct are:**

**1** – Irrigation system without required backflow prevention device and/or passing test report being filed.

**How to Correct:**

**Item Number 1**

**a.** have a licensed plumbing contractor or licensed irrigation contractor secure a building permit for the installation backflow device and have it tested to ensure compliance.

**b.** or have the irrigation meter removed from the system

You are hereby cited with the following sections of code.

**Code of Ordinance**

**Section 78-65 – Cross Connection Control**

(a) The town hereby adopts Recommended Practice for Backflow Prevention and Cross-Connection Control Manual (M-14), Third Edition, and subsequent editions, which is incorporated by reference. A copy of the manual is on file in the office of the town clerk.

(b) Cross connection, as defined by Rule 62-550.200, Florida Administrative Code, is prohibited. However, a person who owns or manages a public water system may interconnect to another public water system if that system is operated and maintained in accordance with this chapter. Any person making, or allowing to be made, such cross connection to the town water system shall be subject to the penalties of sections 1-11 and 78-65(k) of this Code or may be brought before the code enforcement board, at the option of the town.


**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000333**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## Violation Notice

(c) The town adopts by reference the Town of Ponce Inlet "Cross Connection Control Program Manual", 2008 version, as may be updated and amended from time to time. The manual adopts procedures to detect and prevent cross connections that create or may create a potential danger to public health. The town's Cross Connection Control Program Manual reflects accepted practices of the American Water Works Association (AWWA) guidelines as set forth in the Association's Manual M-14, Recommended Practice for Backflow Prevention and Cross Connection Control, Third Edition.

(d) The public works director, or any employee so authorized by the director, shall have the right to enter any property serviced by the utility for the purpose of inspection for cross connections. In so doing, the director or the authorized employee shall first seek the permission of a person of suitable age and discretion therein or in control of the premises. Failure to grant such permission shall be deemed as a rebuttable presumption of a violation and shall provide the person seeking such permission with probable

cause to seek an inspection warrant pursuant to F.S. § 933.30 et seq. Upon written notice to the owner or manager, repeated failure to allow the public works director or any employee so authorized by the director to access the property for the purpose of inspection for cross connection may result in the discontinuance of potable water service to the premises until the inspection has taken place.

(e) Except as otherwise provided in the town's Cross Connection Control Program Manual, all new construction for which a building permit is issued, except for single-family residential or town houses no higher than two stories with individual meters, shall have installed on all potable water and fire protection system lines a backflow prevention device acceptable under the AWWA Manual M-14 and of a size and design determined to be appropriate by the public works director or designee. All construction, whether commercial or residential, shall have such device installed by a licensed plumbing contractor. The device shall be installed on private property, at the service connection, before any potential "take-offs", and at the property owner's expense.

(f) Except as otherwise provided in the town's Cross Connection Control Program Manual, backflow prevention devices acceptable under AWWA Manual M-14 shall be installed on existing commercial, condominiums, or multi-family residential master meters connected to the town's potable water system by a licensed plumbing contractor, and such installation shall be tested by a certified backflow prevention tester approved by the public works director at the following times:

- (1) At the time of any site or building modification requiring site plan review and approval; or
- (2) At the time of any plumbing modification requiring a plumbing permit; or
- (3) At the time of annexation of an existing property connected to the town's potable water system; or
- (4) At the time of meter installation or replacement; or
- (5) At the time an inspection reveal a cross connection which creates or may create a danger to public health; or
- (6) At the time it is determined that a potential hazard exists and a backflow prevention device is warranted.

(g) *Irrigation systems.* Backflow prevention devices acceptable under AWWA Manual M-14 shall be installed by a licensed plumbing contractor or licensed irrigation contractor under a plumbing permit issued for construction and connection of an irrigation system to the town's potable water system.


**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000333**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## Violation Notice

Backflow prevention devices acceptable under AWWA Manual M-14 shall be installed on existing irrigation system connections to the town's potable water system, and such installation shall be tested by a certified backflow prevention tester approved by the public works director, at the following times:

- (1) At the time of any irrigation system modifications requiring a plumbing permit; or
- (2) At the time of irrigation meter installation or replacement; or
- (3) At the time an inspection reveals a cross connection which creates or may create a danger to public health; or
- (4) At the time it is determined that a potential hazard exists and a backflow prevention device is warranted.

**(h) Maintenance of backflow prevention devices.**

(1) All backflow prevention devices shall be inspected and tested by a certified backflow prevention device tester with the cost of inspection and testing to be paid for by the owner of the property required to have such devices. Inspection and testing shall be made on an annual basis.

(2) Any such tester shall have attended and successfully completed the Training, Research, and Education for Environmental Occupations (TREEO) certification program for backflow prevention device testers at the University of Florida, or an equivalent program as determined by the public works director, and shall keep current and keep on file with the public works director a copy of such certificate.

(3) Each owner responsible for the inspection and maintenance of his own backflow prevention device shall file each year a statement from a certified tester that the device has been inspected and that it is working properly. Such statement shall be filed no later than one year from the date of filing the previous statement.

Failure to comply with this section may result in the disconnection of the premises from the town water system until such time as the required statement is provided. If a statement is not received from the owner on or before the required date, a notice will be sent to the owner by the town allowing a reasonable time for the inspection and testing of the device to be completed. If no inspection or service documentation has been received by the town from the owner after the time set for such inspection and testing, the Town may disconnect service of the premises from the town water system.

(i) *Special provision for tank truck, developers.* Water used to fill tank trucks, such as pest control vehicles, from town approved sources shall be measured through a town approved meter, such approved meter shall be supplied by the town. A reduced pressure or air gap separation backflow prevention device shall be installed on any fill line being utilized. Tank truck owners shall have their backflow prevention devices checked annually by a state certified backflow prevention tester and shall provide proof of such testing to the town at the time the meter is issued. The backflow testing certificate shall not exceed one year from the previous test date, or connection to a town source shall be denied.

(j) The town council may, by resolution, establish fees for implementation of this section.

(k) *Violations and liability.*


**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000333**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## Violation Notice

(1) It is unlawful for any person, entity, or customer to cause an illegal cross connection with the town's water or wastewater system. Any person, entity, or customer in violation of any of the provisions of this section shall become liable to the town for any expense, loss, or damage incurred by the town by reason of such violation, including any attorney's fees.

(2) In the event any prohibited cross connection is discovered, the public works director shall take the following action:

- a. Direct the immediate discontinuance of potable water service to the site until the contaminant source is eliminated; or
- b. Direct the immediate elimination of the cross connection by the installation of a backflow prevention device acceptable under the AWWA Manual M-14.

(3) Any inspector, town officer, employee, special magistrate, or member of the code enforcement board, if any, who is or may be charged with or involved in the enforcement of this section, in the discharge of such duties, shall not thereby be personally liable, and is, to the extent permitted by law, hereby relieved from all and protected by the town against any personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties.  
(Ord. No. 2005-03, § 1, 4-20-2005; Ord. No. 2008-04, § 1, 5-21-2008)

**Compliance Date: May 10, 2024**

**If you are unable to meet the required compliance date, this case will be referred to the Town's Code Enforcement Board for a hearing scheduled for May 20, 2024, at 9:30 a.m. located at 4300 South Atlantic Avenue, Ponce Inlet, Florida.**

**If you are found to be in violation of the cited sections of Town code, a daily fine of up to \$250 per day may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.**

**Both these charges will be recorded into the public records of Volusia County and will constitute a lien of your property, as well as any other property that is owned by you in the state of Florida in accordance with Florida statutes 162.09(3).**

If you have any questions related to this matter, please do not hesitate Mr. Fred Griffith, Public Works Director at 386-322-6729.

Kindest Regards,

David Hooker, CEP  
Code Compliance Manager

Certified Mail  
9589-0710-5270-1429-4721-23





**Meeting Date:** May 20, 2024

**Agenda Item:** 9-E

## **Report to Code Enforcement Board**

**Topic:** Case #2024-337  
Owner(s): Stacey & Steven Oshinski  
Property Address: 37 Coastal Oaks Circle  
Alleged Violation(s): Irrigation system without the required backflow preventor and/or testing

**Summary:** Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

**Suggested motion:** To be determined by the Board after testimony and evidence has been provided on the case.

**Requested by:**

Mr. Hooker, Code Compliance Manager

**Approved by:**

Mr. Disher, Town Manager



**MEMORANDUM**  
**TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT**

*THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE  
 ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.*

**TO:** Code Enforcement Board

**THROUGH:** Drew Smith, Town Attorney

**FROM:** David Hooker, Code Compliance Manager

**DATE:** May 13, 2024

**DATE OF MEETING:** May 20, 2024

**Case Number:** 2024-337  
**Address:** 37 Coastal Oaks Circle

**Alleged Violation:**

Irrigation system without the required backflow prevention device and/or passing test report being filed.

**Code of Ordinance**

Section 78-65 – Cross Connection Control

**Brief History:**

In accordance with the Florida Administrative Code and the Town's adopted municipal code, it is incumbent upon the Town to safeguard the integrity of its public water supply system.

One crucial measure to ensure this protection is the installation of backflow prevention devices between individual properties and the Town's water meters.

Beginning in 2023, the Town's Public Works Department initiated a proactive effort to identify properties lacking the requisite backflow prevention devices. Therefore, on December 5, 2023, certified letters were dispatched to approximately 110 property owners, apprising them of their non-compliance regarding backflow prevention device installation and how to correct.

The certified correspondence afforded property owners a grace period until April 1, 2024—spanning 117 days—to rectify the compliance deficiency in alignment with the established regulations.

After this grace period elapsed, on April 1, 2024, the oversight of these non-compliant properties was transitioned to the purview of Code Enforcement. Formal notices of violations were issued to property owners found in violation. An additional timeframe until May 10, 2024—amounting to 39 days—was granted to facilitate compliance.

As of the present hearing date, the subject property persists in non-compliance with the mandated code requirements.

**Recommendation:**

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.


**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000337**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## Violation Notice

**Owner/Violator:** Steven & Stacy Oshinski

**Mailing Address**

37 Coastal Oaks Circle  
Ponce Inlet, Florida 32127

**Notice of Violation for the following location:**

**Address**

37 Coastal Oaks Circle  
PONCE INLET, FL 32127

**Parcel**

6429-05-00-0130

This violation letter is to inform you that staff has observed a violation at the property in which according to the Volusia County Property Appraiser's Office, this property is owned by you in the Town of Ponce Inlet.

On December 5, 2023, a certified letter was sent to you addressing the violation of no backflow preventor device and / or passing test report being filed, on your irrigation system as required by Town code and state law. This letter granted you until April 1, 2024 to have your property in compliance with the adopted regulations. As of today's date, your property remains in violation.

**The violation and how to correct are:**

1 – Irrigation system without required backflow prevention device and/or passing test report being filed.

**How to Correct:**

**Item Number 1**

a. have a licensed plumbing contractor or licensed irrigation contractor secure a building permit for the installation backflow device and have it tested to ensure compliance.

b. or have the irrigation meter removed from the system

You are hereby cited with the following sections of code.

**Code of Ordinance**

**Section 78-65 – Cross Connection Control**

(a) The town hereby adopts Recommended Practice for Backflow Prevention and Cross-Connection Control Manual (M-14), Third Edition, and subsequent editions, which is incorporated by reference. A copy of the manual is on file in the office of the town clerk.

(b) Cross connection, as defined by Rule 62-550.200, Florida Administrative Code, is prohibited. However, a person who owns or manages a public water system may interconnect to another public water system if that system is operated and maintained in accordance with this chapter. Any person making, or allowing to be made, such cross connection to the town water system shall be subject to the penalties of sections 1-11 and 78-65(k) of this Code or may be brought before the code enforcement board, at the option of the town.



## Town of Ponce Inlet

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000337**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

# Violation Notice

(c) The town adopts by reference the Town of Ponce Inlet "Cross Connection Control Program Manual", 2008 version, as may be updated and amended from time to time. The manual adopts procedures to detect and prevent cross connections that create or may create a potential danger to public health. The town's Cross Connection Control Program Manual reflects accepted practices of the American Water Works Association (AWWA) guidelines as set forth in the Association's Manual M-14, Recommended Practice for Backflow Prevention and Cross Connection Control, Third Edition.

(d) The public works director, or any employee so authorized by the director, shall have the right to enter any property serviced by the utility for the purpose of inspection for cross connections. In so doing, the director or the authorized employee shall first seek the permission of a person of suitable age and discretion therein or in control of the premises. Failure to grant such permission shall be deemed as a rebuttable presumption of a violation and shall provide the person seeking such permission with probable

cause to seek an inspection warrant pursuant to F.S. § 933.30 et seq. Upon written notice to the owner or manager, repeated failure to allow the public works director or any employee so authorized by the director to access the property for the purpose of inspection for cross connection may result in the discontinuance of potable water service to the premises until the inspection has taken place.

(e) Except as otherwise provided in the town's Cross Connection Control Program Manual, all new construction for which a building permit is issued, except for single-family residential or town houses no higher than two stories with individual meters, shall have installed on all potable water and fire protection system lines a backflow prevention device acceptable under the AWWA Manual M-14 and of a size and design determined to be appropriate by the public works director or designee. All construction, whether commercial or residential, shall have such device installed by a licensed plumbing contractor. The device shall be installed on private property, at the service connection, before any potential "take-offs", and at the property owner's expense.

(f) Except as otherwise provided in the town's Cross Connection Control Program Manual, backflow prevention devices acceptable under AWWA Manual M-14 shall be installed on existing commercial, condominiums, or multi-family residential master meters connected to the town's potable water system by a licensed plumbing contractor, and such installation shall be tested by a certified backflow prevention tester approved by the public works director at the following times:

- (1) At the time of any site or building modification requiring site plan review and approval; or
- (2) At the time of any plumbing modification requiring a plumbing permit; or
- (3) At the time of annexation of an existing property connected to the town's potable water system; or
- (4) At the time of meter installation or replacement; or
- (5) At the time an inspection reveal a cross connection which creates or may create a danger to public health; or
- (6) At the time it is determined that a potential hazard exists and a backflow prevention device is warranted.

(g) *Irrigation systems.* Backflow prevention devices acceptable under AWWA Manual M-14 shall be installed by a licensed plumbing contractor or licensed irrigation contractor under a plumbing permit issued for construction and connection of an irrigation system to the town's potable water system.


**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000337**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## Violation Notice

Backflow prevention devices acceptable under AWWA Manual M-14 shall be installed on existing irrigation system connections to the town's potable water system, and such installation shall be tested by a certified backflow prevention tester approved by the public works director, at the following times:

- (1) At the time of any irrigation system modifications requiring a plumbing permit; or
- (2) At the time of irrigation meter installation or replacement; or
- (3) At the time an inspection reveals a cross connection which creates or may create a danger to public health; or
- (4) At the time it is determined that a potential hazard exists and a backflow prevention device is warranted.

**(h) Maintenance of backflow prevention devices.**

(1) All backflow prevention devices shall be inspected and tested by a certified backflow prevention device tester with the cost of inspection and testing to be paid for by the owner of the property required to have such devices. Inspection and testing shall be made on an annual basis.

(2) Any such tester shall have attended and successfully completed the Training, Research, and Education for Environmental Occupations (TREEO) certification program for backflow prevention device testers at the University of Florida, or an equivalent program as determined by the public works director, and shall keep current and keep on file with the public works director a copy of such certificate.

(3) Each owner responsible for the inspection and maintenance of his own backflow prevention device shall file each year a statement from a certified tester that the device has been inspected and that it is working properly. Such statement shall be filed no later than one year from the date of filing the previous statement.

Failure to comply with this section may result in the disconnection of the premises from the town water system until such time as the required statement is provided. If a statement is not received from the owner on or before the required date, a notice will be sent to the owner by the town allowing a reasonable time for the inspection and testing of the device to be completed. If no inspection or service documentation has been received by the town from the owner after the time set for such inspection and testing, the Town may disconnect service of the premises from the town water system.

(i) *Special provision for tank truck, developers.* Water used to fill tank trucks, such as pest control vehicles, from town approved sources shall be measured through a town approved meter, such approved meter shall be supplied by the town. A reduced pressure or air gap separation backflow prevention device shall be installed on any fill line being utilized. Tank truck owners shall have their backflow prevention devices checked annually by a state certified backflow prevention tester and shall provide proof of such testing to the town at the time the meter is issued. The backflow testing certificate shall not exceed one year from the previous test date, or connection to a town source shall be denied.

(j) The town council may, by resolution, establish fees for implementation of this section.

(k) *Violations and liability.*


**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000337**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## Violation Notice

(1) It is unlawful for any person, entity, or customer to cause an illegal cross connection with the town's water or wastewater system. Any person, entity, or customer in violation of any of the provisions of this section shall become liable to the town for any expense, loss, or damage incurred by the town by reason of such violation, including any attorney's fees.

(2) In the event any prohibited cross connection is discovered, the public works director shall take the following action:

a. Direct the immediate discontinuance of potable water service to the site until the contaminant source is eliminated; or

b. Direct the immediate elimination of the cross connection by the installation of a backflow prevention device acceptable under the AWWA Manual M-14.

(3) Any inspector, town officer, employee, special magistrate, or member of the code enforcement board, if any, who is or may be charged with or involved in the enforcement of this section, in the discharge of such duties, shall not thereby be personally liable, and is, to the extent permitted by law, hereby relieved from all and protected by the town against any personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties.  
(Ord. No. 2005-03, § 1, 4-20-2005; Ord. No. 2008-04, § 1, 5-21-2008)

**Compliance Date: May 10, 2024**

**If you are unable to meet the required compliance date, this case will be referred to the Town's Code Enforcement Board for a hearing scheduled for May 20, 2024, at 9:30 a.m. located at 4300 South Atlantic Avenue, Ponce Inlet, Florida.**

**If you are found to be in violation of the cited sections of Town code, a daily fine of up to \$250 per day may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.**

**Both these charges will be recorded into the public records of Volusia County and will constitute a lien of your property, as well as any other property that is owned by you in the state of Florida in accordance with Florida statutes 162.09(3).**

If you have any questions related to this matter, please do not hesitate Mr. Fred Griffith, Public Works Director at 386-322-6729.

Kindest Regards,

David Hooker, CEP  
Code Compliance Manager

Certified Mail  
9589-0710-5270-1429-4721-54



**Meeting Date:** May 20, 2024

**Agenda Item:** 9-F

## **Report to Code Enforcement Board**

**Topic:** Case #2024-338  
Owner(s): William Frazier  
Property Address: 4329 South Atlantic Avenue  
Alleged Violation(s): Irrigation system without the required backflow preventor and/or testing

**Summary:** Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

**Suggested motion:** To be determined by the Board after testimony and evidence has been provided on the case.

**Requested by:**

Mr. Hooker, Code Compliance Manager

**Approved by:**

Mr. Disher, Town Manager





**MEMORANDUM**  
**TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT**

*THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE  
 ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.*

**TO:** Code Enforcement Board

**THROUGH:** Drew Smith, Town Attorney

**FROM:** David Hooker, Code Compliance Manager

**DATE:** May 13, 2024

**DATE OF MEETING:** May 20, 2024

**Case Number:** 2024-338  
**Address:** 4329 South Atlantic Avenue

**Alleged Violation:**

Irrigation system without the required backflow prevention device and/or passing test report being filed.

**Code of Ordinance**

Section 78-65 – Cross Connection Control

**Brief History:**

In accordance with the Florida Administrative Code and the Town's adopted municipal code, it is incumbent upon the Town to safeguard the integrity of its public water supply system.

One crucial measure to ensure this protection is the installation of backflow prevention devices between individual properties and the Town's water meters.

Beginning in 2023, the Town's Public Works Department initiated a proactive effort to identify properties lacking the requisite backflow prevention devices. Therefore, on December 5, 2023, certified letters were dispatched to approximately 110 property owners, apprising them of their non-compliance regarding backflow prevention device installation and how to correct.

The certified correspondence afforded property owners a grace period until April 1, 2024—spanning 117 days—to rectify the compliance deficiency in alignment with the established regulations.

After this grace period elapsed, on April 1, 2024, the oversight of these non-compliant properties was transitioned to the purview of Code Enforcement. Formal notices of violations were issued to property owners found in violation. An additional timeframe until May 10, 2024—amounting to 39 days—was granted to facilitate compliance.

As of the present hearing date, the subject property persists in non-compliance with the mandated code requirements.

**Recommendation:**

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.


**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000338**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

# Violation Notice

**Owner/Violator:** William Frazier

**Mailing Address**

713 Island Way  
Clearwater Beach, Florida 33767

**Notice of Violation for the following location:**

**Address**

4329 South Atlantic Avenue  
PONCE INLET, FL 32127

**Parcel**

6313-01-00-0060

This violation letter is to inform you that staff has observed a violation at the property in which according to the Volusia County Property Appraiser's Office, this property is owned by you in the Town of Ponce Inlet.

On December 5, 2023, a certified letter was sent to you addressing the violation of no backflow preventor device and / or passing test report being filed, on your irrigation system as required by Town code and state law. This letter granted you until April 1, 2024 to have your property in compliance with the adopted regulations. As of today's date, your property remains in violation.

**The violation and how to correct are:**

1 – Irrigation system without required backflow prevention device and/or passing test report being filed.

**How to Correct:**

**Item Number 1**

a. have a licensed plumbing contractor or licensed irrigation contractor secure a building permit for the installation backflow device and have it tested to ensure compliance.

b. or have the irrigation meter removed from the system

You are hereby cited with the following sections of code.

**Code of Ordinance**

**Section 78-65 – Cross Connection Control**

(a) The town hereby adopts Recommended Practice for Backflow Prevention and Cross-Connection Control Manual (M-14), Third Edition, and subsequent editions, which is incorporated by reference. A copy of the manual is on file in the office of the town clerk.

(b) Cross connection, as defined by Rule 62-550.200, Florida Administrative Code, is prohibited. However, a person who owns or manages a public water system may interconnect to another public water system if that system is operated and maintained in accordance with this chapter. Any person making, or allowing to be made, such cross connection to the town water system shall be subject to the penalties of sections 1-11 and 78-65(k) of this Code or may be brought before the code enforcement board, at the option of the town.


**Town of Ponce Inlet**

4300 S. Atlantic Avenue  
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000338**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## Violation Notice

(c) The town adopts by reference the Town of Ponce Inlet "Cross Connection Control Program Manual", 2008 version, as may be updated and amended from time to time. The manual adopts procedures to detect and prevent cross connections that create or may create a potential danger to public health. The town's Cross Connection Control Program Manual reflects accepted practices of the American Water Works Association (AWWA) guidelines as set forth in the Association's Manual M-14, Recommended Practice for Backflow Prevention and Cross Connection Control, Third Edition.

(d) The public works director, or any employee so authorized by the director, shall have the right to enter any property serviced by the utility for the purpose of inspection for cross connections. In so doing, the director or the authorized employee shall first seek the permission of a person of suitable age and discretion therein or in control of the premises. Failure to grant such permission shall be deemed as a rebuttable presumption of a violation and shall provide the person seeking such permission with probable

cause to seek an inspection warrant pursuant to F.S. § 933.30 et seq. Upon written notice to the owner or manager, repeated failure to allow the public works director or any employee so authorized by the director to access the property for the purpose of inspection for cross connection may result in the discontinuance of potable water service to the premises until the inspection has taken place.

(e) Except as otherwise provided in the town's Cross Connection Control Program Manual, all new construction for which a building permit is issued, except for single-family residential or town houses no higher than two stories with individual meters, shall have installed on all potable water and fire protection system lines a backflow prevention device acceptable under the AWWA Manual M-14 and of a size and design determined to be appropriate by the public works director or designee. All construction, whether commercial or residential, shall have such device installed by a licensed plumbing contractor. The device shall be installed on private property, at the service connection, before any potential "take-offs", and at the property owner's expense.

(f) Except as otherwise provided in the town's Cross Connection Control Program Manual, backflow prevention devices acceptable under AWWA Manual M-14 shall be installed on existing commercial, condominiums, or multi-family residential master meters connected to the town's potable water system by a licensed plumbing contractor, and such installation shall be tested by a certified backflow prevention tester approved by the public works director at the following times:

- (1) At the time of any site or building modification requiring site plan review and approval; or
- (2) At the time of any plumbing modification requiring a plumbing permit; or
- (3) At the time of annexation of an existing property connected to the town's potable water system; or
- (4) At the time of meter installation or replacement; or
- (5) At the time an inspection reveal a cross connection which creates or may create a danger to public health; or
- (6) At the time it is determined that a potential hazard exists and a backflow prevention device is warranted.

(g) *Irrigation systems.* Backflow prevention devices acceptable under AWWA Manual M-14 shall be installed by a licensed plumbing contractor or licensed irrigation contractor under a plumbing permit issued for construction and connection of an irrigation system to the town's potable water system.



## Town of Ponce Inlet

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# Violation Notice

Backflow prevention devices acceptable under AWWA Manual M-14 shall be installed on existing irrigation system connections to the town's potable water system, and such installation shall be tested by a certified backflow prevention tester approved by the public works director, at the following times:

- (1) At the time of any irrigation system modifications requiring a plumbing permit; or
- (2) At the time of irrigation meter installation or replacement; or
- (3) At the time an inspection reveals a cross connection which creates or may create a danger to public health; or
- (4) At the time it is determined that a potential hazard exists and a backflow prevention device is warranted.

(h) Maintenance of backflow prevention devices.

(1) All backflow prevention devices shall be inspected and tested by a certified backflow prevention device tester with the cost of inspection and testing to be paid for by the owner of the property required to have such devices. Inspection and testing shall be made on an annual basis.

(2) Any such tester shall have attended and successfully completed the Training, Research, and Education for Environmental Occupations (TREEO) certification program for backflow prevention device testers at the University of Florida, or an equivalent program as determined by the public works director, and shall keep current and keep on file with the public works director a copy of such certificate.

(3) Each owner responsible for the inspection and maintenance of his own backflow prevention device shall file each year a statement from a certified tester that the device has been inspected and that it is working properly. Such statement shall be filed no later than one year from the date of filing the previous statement.

Failure to comply with this section may result in the disconnection of the premises from the town water system until such time as the required statement is provided. If a statement is not received from the owner on or before the required date, a notice will be sent to the owner by the town allowing a reasonable time for the inspection and testing of the device to be completed. If no inspection or service documentation has been received by the town from the owner after the time set for such inspection and testing, the Town may disconnect service of the premises from the town water system.

(i) *Special provision for tank truck, developers.* Water used to fill tank trucks, such as pest control vehicles, from town approved sources shall be measured through a town approved meter, such approved meter shall be supplied by the town. A reduced pressure or air gap separation backflow prevention device shall be installed on any fill line being utilized. Tank truck owners shall have their backflow prevention devices checked annually by a state certified backflow prevention tester and shall provide proof of such testing to the town at the time the meter is issued. The backflow testing certificate shall not exceed one year from the previous test date, or connection to a town source shall be denied.

(j) The town council may, by resolution, establish fees for implementation of this section.

(k) *Violations and liability.*


**Town of Ponce Inlet**

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(386) 236-2182

Case Number: **CODE2024-000338**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

## Violation Notice

(1) It is unlawful for any person, entity, or customer to cause an illegal cross connection with the town's water or wastewater system. Any person, entity, or customer in violation of any of the provisions of this section shall become liable to the town for any expense, loss, or damage incurred by the town by reason of such violation, including any attorney's fees.

(2) In the event any prohibited cross connection is discovered, the public works director shall take the following action:

- a. Direct the immediate discontinuance of potable water service to the site until the contaminant source is eliminated; or
- b. Direct the immediate elimination of the cross connection by the installation of a backflow prevention device acceptable under the AWWA Manual M-14.

(3) Any inspector, town officer, employee, special magistrate, or member of the code enforcement board, if any, who is or may be charged with or involved in the enforcement of this section, in the discharge of such duties, shall not thereby be personally liable, and is, to the extent permitted by law, hereby relieved from all and protected by the town against any personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties.  
(Ord. No. 2005-03, § 1, 4-20-2005; Ord. No. 2008-04, § 1, 5-21-2008)

**Compliance Date: May 10, 2024**

**If you are unable to meet the required compliance date, this case will be referred to the Town's Code Enforcement Board for a hearing scheduled for May 20, 2024, at 9:30 a.m. located at 4300 South Atlantic Avenue, Ponce Inlet, Florida.**

**If you are found to be in violation of the cited sections of Town code, a daily fine of up to \$250 per day may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.**

**Both these charges will be recorded into the public records of Volusia County and will constitute a lien of your property, as well as any other property that is owned by you in the state of Florida in accordance with Florida statutes 162.09(3).**

If you have any questions related to this matter, please do not hesitate Mr. Fred Griffith, Public Works Director at 386-322-6729.

Kindest Regards,

David Hooker, CEP  
Code Compliance Manager

Certified Mail

9589-0710-5270-1429-4721-61 – 713 Island Way – Clearwater Beach, Florida 33767  
9589-0710-5270-1429-4721-78 – 4329 South Atlantic Avenue, Ponce Inlet, Florida 32127



**Meeting Date:** May 20, 2024

**Agenda Item:** 9-G

## **Report to Code Enforcement Board**

**Topic:** Case #2024-366  
Owner(s): Kevin Purucker  
Property Address: 47 Oceanway  
Alleged Violation(s): Irrigation system without the required backflow preventor and/or testing

**Summary:** Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

**Suggested motion:** To be determined by the Board after testimony and evidence has been provided on the case.

**Requested by:**

Mr. Hooker, Code Compliance Manager

**Approved by:**

Mr. Disher, Town Manager



**MEMORANDUM**  
**TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT**

*THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE  
 ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.*

**TO:** Code Enforcement Board

**THROUGH:** Drew Smith, Town Attorney

**FROM:** David Hooker, Code Compliance Manager

**DATE:** May 13, 2024

**DATE OF MEETING:** May 20, 2024

---

**Case Number:** 2024-366  
**Address:** 47 Oceanway Drive

**Alleged Violation:**

Irrigation system without the required backflow prevention device and/or passing test report being filed.

**Code of Ordinance**

Section 78-65 – Cross Connection Control

**Brief History:**

In accordance with the Florida Administrative Code and the Town's adopted municipal code, it is incumbent upon the Town to safeguard the integrity of its public water supply system.

One crucial measure to ensure this protection is the installation of backflow prevention devices between individual properties and the Town's water meters.

Beginning in 2023, the Town's Public Works Department initiated a proactive effort to identify properties lacking the requisite backflow prevention devices. Therefore, on December 5, 2023, certified letters were dispatched to approximately 110 property owners, apprising them of their non-compliance regarding backflow prevention device installation and how to correct.



The certified correspondence afforded property owners a grace period until April 1, 2024—spanning 117 days—to rectify the compliance deficiency in alignment with the established regulations.

After this grace period elapsed, on April 1, 2024, the oversight of these non-compliant properties was transitioned to the purview of Code Enforcement. Formal notices of violations were issued to property owners found in violation. An additional timeframe until May 10, 2024—amounting to 39 days—was granted to facilitate compliance.

As of the present hearing date, the subject property persists in non-compliance with the mandated code requirements.

**Recommendation:**

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.


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Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

# Violation Notice

**Owner/Violator:** Kevin Purucker

**Mailing Address**

47 Oceanway Drive  
Ponce Inlet, Florida 32127

**Notice of Violation for the following location:**

**Address**

47 Oceanway Drive  
PONCE INLET, FL 32127

**Parcel**

6430-18-00-0200

This violation letter is to inform you that staff has observed a violation at the property in which according to the Volusia County Property Appraiser's Office, this property is owned by you in the Town of Ponce Inlet.

On December 5, 2023, a certified letter was sent to you addressing the violation of no backflow preventor device and / or passing test report being filed, on your irrigation system as required by Town code and state law. This letter granted you until April 1, 2024 to have your property in compliance with the adopted regulations. As of today's date, your property remains in violation.

**The violation and how to correct are:**

**1** – Irrigation system without required backflow prevention device and/or passing test report being filed.

**How to Correct:**

**Item Number 1**

**a.** have a licensed plumbing contractor or licensed irrigation contractor secure a building permit for the installation backflow device and have it tested to ensure compliance.

**b.** or have the irrigation meter removed from the system

You are hereby cited with the following sections of code.

**Code of Ordinance**

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Code Compliance Manager

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