AN ACT TO AMEND SECTION 41-26-14, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY PROFESSIONALLY INSTALLED LAWN SPRINKLER SYSTEM, LAWN IRRIGATION SYSTEM, SWIMMING POOL, WATER FOUNTAIN OR COOLER, FIRE SPRINKLER SYSTEM CONTAINING NO CHEMICALS, OR ANY COMMERCIAL ESTABLISHMENT THAT CONTAINS NO CROSS CONNECTIONS DIRECTLY WITH HAZARDOUS MATERIALS, SHALL BE CONSIDERED AS A LOW HAZARD CROSS CONNECTION POSING A VERY LOW RISK AND SHALL NOT BE REQUIRED TO HAVE A BACKFLOW PREVENTER DEVICE; TO DEFINE CERTAIN HIGH RISK SYSTEMS REQUIRING BACKFLOW PREVENTER DEVICES; TO PROVIDE THAT ADDITIONAL BACKFLOW PREVENTER DEVICES SHALL NOT BE REQUIRED FOR CARBONATED BEVERAGE DISPENSERS IF THEY ALREADY HAVE CERTAIN BACKFLOW PREVENTER DEVICES INSTALLED; TO DELETE THE REQUIREMENT THAT PROPERTY OWNERS MUST INSTALL APPROVED BACKFLOW PREVENTER DEVICES; TO DELETE THE REQUIREMENT THAT LOW HAZARD BACKFLOW PREVENTER DEVICES MUST BE INSPECTED AND TESTED AT LEAST BIENNIALY AND MUST BE TESTED AFTER A REPAIR OR A REPLACEMENT INSTALLATION; TO DELETE THE PROVISION SETTING A MAXIMUM FEE THAT CERTIFIED BACKFLOW PREVENTER DEVICE TESTERS MAY CHARGE FOR INSPECTING AND TESTING OF LOW HAZARD BACKFLOW PREVENTER DEVICES; TO PROHIBIT ANY MUNICIPALITY, COUNTY OR PUBLIC WATER SYSTEM FROM ADOPTING OR IMPLEMENTING ANY ORDINANCE, REGULATION OR POLICY REGARDING CROSS CONNECTIONS OR BACKFLOW PREVENTER DEVICES THAT IS MORE STRINGENT THAN OR IN CONFLICT WITH THE PROVISIONS OF THIS SECTION OR ANY RELATED REGULATION OF THE BOARD OF HEALTH; TO PROVIDE THAT ANY SUCH ORDINANCE, REGULATION OR POLICY ADOPTED BEFORE THE EFFECTIVE DATE OF THIS ACT IS VOID; TO PROVIDE THAT IF ANY MUNICIPALITY OR COUNTY ADOPTS A BUILDING CODE, PLUMBING CODE OR ANY OTHER CODE THAT CONTAINS REQUIREMENTS OR STANDARDS REGARDING CROSS CONNECTIONS OR BACKFLOW PREVENTER DEVICES, THE MUNICIPALITY OR COUNTY OR ANY PUBLIC WATER SYSTEM OPERATING IN THE MUNICIPALITY OR COUNTY IS PROHIBITED FROM IMPLEMENTING OR ENFORCING ANY SUCH REQUIREMENTS OR STANDARDS THAT ARE MORE STRINGENT THAN OR IN CONFLICT WITH THE PROVISIONS OF THIS SECTION OR ANY RELATED REGULATION OF THE BOARD OF HEALTH; TO AMEND SECTIONS 19-5-9 AND 21-19-25, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-26-14, Mississippi Code of 1972, is amended as follows:

amended as follows:
41-26-14. (1) The department shall develop and implement a cross connection control program in accordance with this section. Before development of the cross connection control program, the department shall consult with the United States Environmental Protection Agency regarding the development of a federal cross connection control program. It is the intent of the Legislature that any cross connection control program developed and implemented by the department be equivalent to a federal program, unless otherwise provided in this section. * * *

(2) (a) The board shall adopt regulations defining a high hazard cross connection and a low hazard cross connection. The board shall determine which low hazard cross connections pose a very low risk and therefore are below regulatory concern. Those low hazard cross connections posing a very low risk shall be exempt from the requirements of this section and shall not be required to have a backflow preventer device. In addition, the regulations shall specify those backflow preventer devices which are recommended to address both high hazard and low hazard cross connections.

(b) For the purposes of this section, the following cross connections shall be considered as low hazard cross connections posing a very low risk:

(i) Any lawn sprinkler system or lawn irrigation system that is connected to a public water system and was professionally installed, regardless of whether the system is underground or above ground or whether the system has pop-up sprinkler heads;

(ii) Any swimming pool that is connected to a public water system and was professionally installed, or any swimming pool that is connected to a public water system and has a fill line with an anti-siphon air gap;
(iii) Any water fountain or cooler that provides drinking water for human consumption, that is connected to a public water system and was professionally installed; 

(iv) Any fire sprinkler system that contains only water or a dry pipe and no chemicals, that is connected to a public water system and was professionally installed; and 

(v) Any commercial establishment that is connected to a public water system, that contains no cross connections directly with a dangerous or hazardous substance or material.

(c) For the purposes of this section, any lawn sprinkler system or lawn irrigation system that is connected to a public water system and either injects or stores lawn chemicals or is connected to a wastewater supply shall be considered as high hazard cross connections and not exempt from the requirements of this section; however, the local public water system shall not be required to conduct an on-site inspection to identify any such system under this paragraph (c).

(d) Any regulations that were adopted before the effective date of House Bill No. 692, 2001 Regular Session, to implement a cross connection control program shall be void to the extent those regulations are in conflict or inconsistent with this section.

(3) Before December 31, 2000, each public water system shall develop and implement a cross connection control program and shall conduct a survey and on-site visits, as necessary, to locate cross connections within its system. Single family dwellings and multifamily dwellings *** shall be excluded from the survey, unless the public water system has reason to believe a cross connection exists.

(4) Before June 30, 2001, each property owner identified by the public water system as having a high hazard cross connection shall install a backflow preventer device. If the property owner already has a backflow preventer device installed and the backflow
preventer device functions properly, the public water system shall consider the backflow preventer device approved and shall allow the installed backflow preventer device to remain in place until the backflow preventer device fails to function properly. Additional backflow preventer devices shall not be required for carbonated beverage dispensers if (a) the water supply connection to the carbonated beverage dispenser is protected against backflow by a backflow preventer device conforming to ASSE 1022 or by an air gap, and (b) the backflow preventer device and the piping downstream from the device are not affected by carbon dioxide gas.

(5) Before June 30, 2004, each property owner identified by the public water system as having a low hazard cross connection shall install a backflow preventer device. This requirement does not apply to any low hazard cross connection that poses a very low risk. If the property owner already has a backflow preventer device installed and the backflow preventer device functions properly, the public water system shall consider the backflow preventer device approved and shall allow the installed backflow preventer device to remain in place until the backflow preventer device fails to function properly.

(6) Each high hazard backflow preventer device shall be inspected and tested at least annually. If a high hazard backflow preventer device fails to function properly, the property owner shall have the backflow preventer device repaired and retested or shall install a new approved backflow preventer device within thirty (30) days of the initial test. If a low hazard backflow preventer device fails to function properly, the property owner shall have the backflow preventer device repaired or shall install a new backflow preventer device within ninety (90) days after the date the backflow preventer device first fails to function properly.

(7) All inspection and testing of backflow preventer devices under this section shall be conducted by a certified tester,
unless otherwise provided in the regulations of the board.

Certified backflow preventer device testers shall be licensed by the department under those conditions as the department deems appropriate. * * *

(8) If a property owner fails to install a backflow preventer device or fails to have a backflow preventer device tested as required by this section, the public water system may discontinue service to that property owner until the failure is corrected.

(9) After the dates specified in subsections (4) and (5) of this section, it is unlawful to install or allow the installation or maintenance of any cross connection, auxiliary intake or bypass, unless the source and quality of water from the auxiliary supply, the method of connection and the use and operation of that cross connection, auxiliary intake or bypass has been approved by the director. However, this subsection does not authorize the director to modify, supersede or suspend any provision of this section regarding backflow preventer devices.

(10) (a) A municipality, county or public water system shall not adopt or implement any ordinance, rule, regulation, standard or policy regarding cross connections or backflow preventer devices that is more stringent or extensive in scope, coverage or effect than the provisions of this section or any rules or regulations adopted by the board to implement this section, or is in conflict or inconsistent with the provisions of this section or any rules or regulations adopted by the board to implement this section. Any such ordinance, rule, regulation, standard or policy regarding cross connections or backflow preventer devices that was adopted before the effective date of House Bill No. 692, 2001 Regular Session, is void to the extent that it is more stringent or extensive in scope, coverage or effect than the provisions of this section or any rules or regulations adopted by the board to implement this section, or is
in conflict or inconsistent with the provisions of this section or
any rules or regulations adopted by the board to implement this
section.

(b) If any municipality or county adopts or has
previously adopted a building code, plumbing code or any other
code that contains requirements or standards regarding cross
connections or backflow preventer devices, the municipality or
county or any public water system operating in the municipality or
county shall not implement or enforce any such requirements or
standards that are more stringent or extensive in scope, coverage
or effect than the provisions of this section or any rules or
regulations adopted by the board to implement this section, or are
in conflict or inconsistent with the provisions of this section or
any rules or regulations adopted by the board to implement this
section.

SECTION 2. Section 19-5-9, Mississippi Code of 1972, is
amended as follows:

19-5-9. The construction codes published by a nationally
recognized code group which sets minimum standards and has the
proper provisions to maintain up-to-date amendments are * * *
adopted as minimum standard guides for building, plumbing,
electrical, gas, sanitary, and other related codes in Mississippi.
Any county within the State of Mississippi, in the discretion of
the board of supervisors, may adopt building codes, plumbing
codes, electrical codes, sanitary codes, or other related codes
dealing with general public health, safety or welfare, or a
combination of the same, within but not exceeding the provisions
of the construction codes published by nationally recognized code
groups, by order or resolution in the manner * * * prescribed in
this section, but those codes so adopted shall apply only to the
unincorporated areas of the county. However, those codes shall
not apply to the erection, maintenance, repair or extension of
farm buildings or farm structures, except as may be required under
the terms of the "Flood Disaster Protection Act of 1973" and shall apply to a master planned community as defined in Section 19-5-10, only to the extent allowed in Section 19-5-10. The provisions of this section shall not be construed to authorize the adoption of any code which applies to the installation, repair or maintenance of electric wires, pipelines, apparatus, equipment or devices by or for a utility rendering public utility services, required by it to be utilized in the rendition of its duly authorized service to the public. Before any such code shall be adopted, it shall be either printed or typewritten and shall be presented in pamphlet form to the board of supervisors at a regular meeting. The order or resolution adopting the code shall not set out the code in full, but shall merely identify the same. The vote or passage of the order or resolution shall be the same as on any other order or resolution. After its adoption, the code or codes shall be certified to by the president and clerk of the board of supervisors and shall be filed as a permanent record in the office of the clerk who shall not be required to transcribe and record the same in the minute book as other orders and resolutions.

All provisions of this section shall apply to amendments and revisions of the codes mentioned in this section. The provisions of this section shall be in addition and supplemental to any existing laws authorizing the adoption, amendment or revision of county orders, resolutions or codes.

Any code adopted under the provisions of this section shall not be in operation or force until sixty (60) days have elapsed from the adoption of same; however, any code adopted for the immediate preservation of the public health, safety and general welfare may be effective from and after its adoption by a unanimous vote of the members of the board. Within five (5) days after the adoption or passage of an order or resolution adopting that code or codes the clerk of the board of supervisors shall publish in a legal newspaper published in the county the full text...
of the order or resolution adopting and approving the code, and
the publication shall be inserted at least three (3) times, and
shall be completed within thirty (30) days after the passage of
the order or resolution.

Any person or persons objecting to the code or codes may
object in writing to the provisions of the code or codes within
sixty (60) days after the passage of the order or resolution
approving same, and if the board of supervisors adjudicates that
ten percent (10%) or more of the qualified electors residing in
the affected unincorporated areas of the county have objected in
writing to the code or codes, then in such event the code shall be
inoperative and not in effect unless adopted for the immediate
preservation of the public health, safety and general welfare
until approved by a special election called by the board of
supervisors as other special elections are called and conducted by
the election commissioners of the county as other special
elections are conducted, the special election to be participated
in by all the qualified electors of the county residing in the
unincorporated areas of the county. If the voters approve the
code or codes in the special election it shall be in force and in
operation thereafter until amended or modified as * * * provided
in this section. If the majority of the qualified electors voting
in the special election vote against the code or codes, then, in
such event, the code or codes shall be void and of no force and
effect, and no other code or codes dealing with that subject shall
be adopted under the provisions of this section until at least two
(2) years thereafter.

After any such code shall take effect the board of
supervisors is authorized to employ such directors and other
personnel as the board, in its discretion, deems necessary and to
expend general county funds or any other funds available to the
board to fulfill the purposes of this section.
For the purpose of promoting health, safety, morals or the
general welfare of the community, the governing authority of any
municipality, and, with respect to the unincorporated part of any
county, the governing authority of any county, in its discretion,
are empowered to regulate the height, number of stories and size
of building and other structures, the percentage of lot that may
be occupied, the size of the yards, courts and other open spaces,
the density or population, and the location and use of buildings,
structures and land for trade, industry, residence or other
purposes, but no permits shall be required except as may be
required under the terms of the "Flood Disaster Protection Act of
1973" for the erection, maintenance, repair or extension of farm
buildings or farm structures outside the corporate limits of
municipalities.

The authority * * * granted in this section is cumulative and
supplemental to any other authority granted by law.

Notwithstanding any provision of this section to the
contrary, any code adopted by a county before or after the
effective date of House Bill No. 692, 2001 Regular Session, is
subject to the provisions of Section 41-26-14(10).

SECTION 3. Section 21-19-25, Mississippi Code of 1972, is
amended as follows:

21-19-25. Any municipality within the State of Mississippi
may, in the discretion of its governing authorities, adopt
building codes, plumbing codes, electrical codes, gas codes,
sanitary codes, or any other codes dealing with general public
health, safety or welfare, or a combination of the same, by
ordinance, in the manner * * * prescribed in this section. Before
any such code shall be adopted, it shall be either printed or
typewritten, and it shall be presented in pamphlet form to the
governing authorities of the municipality at a regular meeting.
The ordinance adopting the code shall not set out the code in
full, but shall merely identify the same. The vote on passage of
the ordinance shall be the same as on any other ordinances. After
its adoption, the code shall be certified to by the mayor and
clerk of the municipality, and shall be filed as a permanent
record in the office of the clerk, who shall not be required to
transcribe and record the same in the ordinance book as other
ordinances. It shall not be necessary that the ordinance adopting
the code or the code itself be published in full, but notice of
the adoption of the code shall be given by publication in some
newspaper of the municipality for one (1) time, or if there be no
such newspaper, by posting at three (3) or more public places
within the corporate limits, a notice in substantially the
following form:

Notice is * * * given that the city (or town or
village) of ________, on the (give date of ordinance
adopter code), adopted (state type of code and other
information serving to identify the same) code.

All the provisions of this section shall apply to amendments
and revisions of the code mentioned in this section. Any code
adopted in accordance with this section shall not be in force for
one (1) month after its passage, unless the municipal authorities
in the ordinance authorize to the contrary. The provisions of
this section shall be in addition and supplemental to any existing
laws authorizing the adoption, amendment or revision of municipal
ordinances or codes.

Notwithstanding any provision of this section to the
contrary, any code adopted by a municipality before or after the
effective date of House Bill No. 692, 2001 Regular Session, is
subject to the provisions of Section 41-26-14(10).

The provisions of this section shall apply to all
municipalities of this state, whether operating under the code
charter, a special charter, commission form, or other form of
government.
SECTION 4. This act shall take effect and be in force from and after its passage.