

By: Representatives Denny, Holland, Hudson,  
Markham, Miles, Moore (60th), Ward

To: Public Health and  
Welfare; Municipalities

HOUSE BILL NO. 692  
(As Passed the House)

1 AN ACT TO AMEND SECTION 41-26-14, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT ANY PROFESSIONALLY INSTALLED LAWN SPRINKLER  
3 SYSTEM, LAWN IRRIGATION SYSTEM OR BELOW GROUND SWIMMING POOL THAT  
4 IS CONNECTED TO A PUBLIC WATER SYSTEM, OR ANY SWIMMING POOL THAT  
5 HAS A FILL LINE WITH AN ANTI-SIPHON AIR GAP, OR ANY WATER FOUNTAIN  
6 OR COOLER, OR FIRE SPRINKLER SYSTEM CONTAINING ONLY WATER, OR ANY  
7 COMMERCIAL ESTABLISHMENT THAT IS CONNECTED TO A PUBLIC WATER  
8 SYSTEM IF THERE ARE NO HAZARDOUS MATERIALS USED ON THE PREMISES OF  
9 THE ESTABLISHMENT, SHALL BE CONSIDERED AS A LOW HAZARD CROSS  
10 CONNECTION POSING A VERY LOW RISK AND SHALL NOT BE REQUIRED TO  
11 HAVE A BACKFLOW PREVENTER; TO PROVIDE THAT ADDITIONAL BACKFLOW  
12 PREVENTERS SHALL NOT BE REQUIRED FOR CARBONATED BEVERAGE  
13 DISPENSERS IF THEY ALREADY HAVE CERTAIN BACKFLOW PREVENTERS  
14 INSTALLED; TO DELETE THE REQUIREMENT THAT PROPERTY OWNERS MUST  
15 INSTALL APPROVED BACKFLOW PREVENTERS; TO DELETE THE REQUIREMENT  
16 THAT PREVIOUSLY-INSTALLED BACKFLOW PREVENTERS MUST BE TESTED; TO  
17 DELETE THE REQUIREMENT THAT LOW HAZARD BACKFLOW PREVENTERS MUST BE  
18 INSPECTED AND TESTED AT LEAST BIENNIALY AND MUST BE TESTED AFTER  
19 A REPAIR OR A REPLACEMENT INSTALLATION; TO DELETE THE PROVISION  
20 SETTING A MAXIMUM FEE THAT CERTIFIED BACKFLOW PREVENTER TESTERS  
21 MAY CHARGE FOR INSPECTING AND TESTING OF LOW HAZARD BACKFLOW  
22 PREVENTERS; TO PROHIBIT ANY MUNICIPALITY, COUNTY OR PUBLIC WATER  
23 SYSTEM FROM ADOPTING OR IMPLEMENTING ANY ORDINANCE, REGULATION OR  
24 POLICY REGARDING CROSS CONNECTIONS OR BACKFLOW PREVENTERS THAT IS  
25 MORE STRINGENT THAN OR IN CONFLICT WITH THE PROVISIONS OF THIS  
26 SECTION; TO PROVIDE THAT ANY SUCH ORDINANCE, REGULATION OR POLICY  
27 ADOPTED BEFORE THE EFFECTIVE DATE OF THIS ACT IS VOID; TO PROVIDE  
28 THAT IF ANY MUNICIPALITY OR COUNTY ADOPTS A BUILDING CODE,  
29 PLUMBING CODE OR ANY OTHER CODE THAT CONTAINS REQUIREMENTS OR  
30 STANDARDS REGARDING CROSS CONNECTIONS OR BACKFLOW PREVENTERS, THE  
31 MUNICIPALITY OR COUNTY OR ANY PUBLIC WATER SYSTEM OPERATING IN THE  
32 MUNICIPALITY OR COUNTY IS PROHIBITED FROM IMPLEMENTING OR  
33 ENFORCING ANY SUCH REQUIREMENTS OR STANDARDS THAT ARE MORE  
34 STRINGENT THAN OR IN CONFLICT WITH THE PROVISIONS OF THIS SECTION;  
35 TO AMEND SECTIONS 19-5-9 AND 21-19-25, MISSISSIPPI CODE OF 1972,  
36 TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

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

40 41-26-14. (1) The department shall develop and implement a  
41 cross connection control program in accordance with this section.

42 Before development of the cross connection control program, the  
43 department shall consult with the United States Environmental  
44 Protection Agency regarding the development of a federal cross  
45 connection control program. It is the intent of the Legislature  
46 that any cross connection control program developed and  
47 implemented by the department be equivalent to a federal program,  
48 unless otherwise provided in this section. \* \* \*

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

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

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

67 (ii) Any below ground swimming pool that is  
68 connected to a public water system and was professionally  
69 installed, or any swimming pool that is connected to a public  
70 water system and has a fill line with an anti-siphon air gap;

71 (iii) Any water fountain or cooler that is  
72 connected to a public water system and was professionally  
73 installed;

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

77                   (v) Any commercial establishment that is connected  
78 to a public water system if there are no hazardous materials used  
79 on the premises of the establishment.

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

85                   (3) Before December 31, 2000, each public water system shall  
86 develop and implement a cross connection control program and shall  
87 conduct a survey and on-site visits, as necessary, to locate cross  
88 connections within its system. Single family dwellings and  
89 multifamily dwellings designed to house not more than eight (8)  
90 families shall be excluded from the survey, unless the public  
91 water system has reason to believe a cross connection exists.

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

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

115 (6) Each high hazard backflow preventer shall be inspected  
116 and tested at least annually. \* \* \* If a high hazard backflow  
117 preventer fails to function properly, the property owner shall  
118 have the backflow preventer repaired and retested or shall install  
119 a new approved backflow preventer within thirty (30) days of the  
120 initial test. If a low hazard backflow preventer fails to  
121 function properly, the property owner shall have the backflow  
122 preventer repaired \* \* \* or shall install a new \* \* \* backflow  
123 preventer within ninety (90) days after the date the backflow  
124 preventer first fails to function properly.

125 (7) All inspection and testing of backflow preventers under  
126 this section shall be conducted by a certified tester, unless  
127 otherwise provided in the regulations of the board. Certified  
128 backflow preventer testers shall be licensed by the department  
129 under those conditions as the department deems appropriate. \* \* \*

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

134 (9) After the dates specified in subsections (4) and (5) of  
135 this section, it is unlawful to install or allow the installation  
136 or maintenance of any cross connection, auxiliary intake or  
137 bypass, unless the source and quality of water from the auxiliary  
138 supply, the method of connection and the use and operation of that

139 cross connection, auxiliary intake or bypass has been approved by  
140 the director. However, this subsection does not authorize the  
141 director to modify, supersede or suspend any provision of this  
142 section regarding backflow preventers.

143 (10) (a) A municipality, county or public water system  
144 shall not adopt or implement any ordinance, rule, regulation,  
145 standard or policy regarding cross connections or backflow  
146 preventers for lawn sprinkler systems, lawn irrigation systems or  
147 swimming pools that is more stringent or extensive in scope,  
148 coverage or effect than the provisions of this section, or is in  
149 conflict or inconsistent with the provisions of this section. Any  
150 such ordinance, rule, regulation, standard or policy regarding  
151 cross connections or backflow preventers for lawn sprinkler  
152 systems, lawn irrigation systems or swimming pools that was  
153 adopted before the effective date of House Bill No. 692, 2001  
154 Regular Session, is void to the extent that it is more stringent  
155 or extensive in scope, coverage or effect than the provisions of  
156 this section, or is in conflict or inconsistent with the  
157 provisions of this section.

158 (b) If any municipality or county adopts or has  
159 previously adopted a building code, plumbing code or any other  
160 code that contains requirements or standards regarding cross  
161 connections or backflow preventers for lawn sprinkler systems,  
162 lawn irrigation systems or swimming pools, the municipality or  
163 county or any public water system operating in the municipality or  
164 county shall not implement or enforce any such requirements or  
165 standards that are more stringent or extensive in scope, coverage  
166 or effect than the provisions of this section, or are in conflict  
167 or inconsistent with the provisions of this section.

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

170 19-5-9. The construction codes published by a nationally  
171 recognized code group which sets minimum standards and has the

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

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

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

223 Any person or persons objecting to the code or codes may  
224 object in writing to the provisions of the code or codes within  
225 sixty (60) days after the passage of the order or resolution  
226 approving same, and if the board of supervisors adjudicates that  
227 ten percent (10%) or more of the qualified electors residing in  
228 the affected unincorporated areas of the county have objected in  
229 writing to the code or codes, then in such event the code shall be  
230 inoperative and not in effect unless adopted for the immediate  
231 preservation of the public health, safety and general welfare  
232 until approved by a special election called by the board of  
233 supervisors as other special elections are called and conducted by  
234 the election commissioners of the county as other special  
235 elections are conducted, the special election to be participated  
236 in by all the qualified electors of the county residing in the  
237 unincorporated areas of the county. If the voters approve the

238 code or codes in the special election it shall be in force and in  
239 operation thereafter until amended or modified as \* \* \* provided  
240 in this section. If the majority of the qualified electors voting  
241 in the special election vote against the code or codes, then, in  
242 such event, the code or codes shall be void and of no force and  
243 effect, and no other code or codes dealing with that subject shall  
244 be adopted under the provisions of this section until at least two  
245 (2) years thereafter.

246 After any such code shall take effect the board of  
247 supervisors is authorized to employ such directors and other  
248 personnel as the board, in its discretion, deems necessary and to  
249 expend general county funds or any other funds available to the  
250 board to fulfill the purposes of this section.

251 For the purpose of promoting health, safety, morals or the  
252 general welfare of the community, the governing authority of any  
253 municipality, and, with respect to the unincorporated part of any  
254 county, the governing authority of any county, in its discretion,  
255 are empowered to regulate the height, number of stories and size  
256 of building and other structures, the percentage of lot that may  
257 be occupied, the size of the yards, courts and other open spaces,  
258 the density or population, and the location and use of buildings,  
259 structures and land for trade, industry, residence or other  
260 purposes, but no permits shall be required except as may be  
261 required under the terms of the "Flood Disaster Protection Act of  
262 1973" for the erection, maintenance, repair or extension of farm  
263 buildings or farm structures outside the corporate limits of  
264 municipalities.

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

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



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

273 21-19-25. Any municipality within the State of Mississippi  
274 may, in the discretion of its governing authorities, adopt  
275 building codes, plumbing codes, electrical codes, gas codes,  
276 sanitary codes, or any other codes dealing with general public  
277 health, safety or welfare, or a combination of the same, by  
278 ordinance, in the manner \* \* \* prescribed in this section. Before  
279 any such code shall be adopted, it shall be either printed or  
280 typewritten, and it shall be presented in pamphlet form to the  
281 governing authorities of the municipality at a regular meeting.  
282 The ordinance adopting the code shall not set out the code in  
283 full, but shall merely identify the same. The vote on passage of  
284 the ordinance shall be the same as on any other ordinances. After  
285 its adoption, the code shall be certified to by the mayor and  
286 clerk of the municipality, and shall be filed as a permanent  
287 record in the office of the clerk, who shall not be required to  
288 transcribe and record the same in the ordinance book as other  
289 ordinances. It shall not be necessary that the ordinance adopting  
290 the code or the code itself be published in full, but notice of  
291 the adoption of the code shall be given by publication in some  
292 newspaper of the municipality for one (1) time, or if there be no  
293 such newspaper, by posting at three (3) or more public places  
294 within the corporate limits, a notice in substantially the  
295 following form:

296 Notice is \* \* \* given that the city (or town or  
297 village) of \_\_\_\_\_, on the (give date of ordinance  
298 adopting code), adopted (state type of code and other  
299 information serving to identify the same) code.

300 All the provisions of this section shall apply to amendments  
301 and revisions of the code mentioned in this section. Any code  
302 adopted in accordance with this section shall not be in force for  
303 one month after its passage, unless the municipal authorities in

304 the ordinance authorize to the contrary. The provisions of this  
305 section shall be in addition and supplemental to any existing laws  
306 authorizing the adoption, amendment or revision of municipal  
307 ordinances or codes.

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

312 The provisions of this section shall apply to all  
313 municipalities of this state, whether operating under the code  
314 charter, a special charter, commission form, or other form of  
315 government.

316 SECTION 4. This act shall take effect and be in force from  
317 and after its passage.