

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

To: Public Health and  
Welfare; Municipalities

HOUSE BILL NO. 692  
(As Sent to Governor)

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

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

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

42           41-26-14. (1) The department shall develop and implement a  
43 cross connection control program in accordance with this section.  
44 Before development of the cross connection control program, the  
45 department shall consult with the United States Environmental  
46 Protection Agency regarding the development of a federal cross  
47 connection control program. It is the intent of the Legislature  
48 that any cross connection control program developed and  
49 implemented by the department be equivalent to a federal program,  
50 unless otherwise provided in this section. \* \* \*

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

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

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

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

73                   (iii) Any water fountain or cooler that provides  
74 drinking water for human consumption, that is connected to a  
75 public water system and was professionally installed;

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

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

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

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

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

102           (4) Before June 30, 2001, each property owner identified by  
103 the public water system as having a high hazard cross connection  
104 shall install a backflow preventer device. If the property owner  
105 already has a backflow preventer device installed and the backflow

106 preventer device functions properly, the public water system shall  
107 consider the backflow preventer device approved and shall allow  
108 the installed backflow preventer device to remain in place until  
109 the backflow preventer device fails to function properly.

110 Additional backflow preventer devices shall not be required for  
111 carbonated beverage dispensers if (a) the water supply connection  
112 to the carbonated beverage dispenser is protected against backflow  
113 by a backflow preventer device conforming to ASSE 1022 or by an  
114 air gap, and (b) the backflow preventer device and the piping  
115 downstream from the device are not affected by carbon dioxide gas.

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

126 (6) Each high hazard backflow preventer device shall be  
127 inspected and tested at least annually. \* \* \* If a high hazard  
128 backflow preventer device fails to function properly, the property  
129 owner shall have the backflow preventer device repaired and  
130 retested or shall install a new approved backflow preventer device  
131 within thirty (30) days of the initial test. If a low hazard  
132 backflow preventer device fails to function properly, the property  
133 owner shall have the backflow preventer device repaired \* \* \* or  
134 shall install a new \* \* \* backflow preventer device within ninety  
135 (90) days after the date the backflow preventer device first fails  
136 to function properly.

137 (7) All inspection and testing of backflow preventer devices  
138 under this section shall be conducted by a certified tester,

139 unless otherwise provided in the regulations of the board.  
140 Certified backflow preventer device testers shall be licensed by  
141 the department under those conditions as the department deems  
142 appropriate. \* \* \*

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

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

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

172 in conflict or inconsistent with the provisions of this section or  
173 any rules or regulations adopted by the board to implement this  
174 section.

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

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

189 19-5-9. The construction codes published by a nationally  
190 recognized code group which sets minimum standards and has the  
191 proper provisions to maintain up-to-date amendments are \* \* \*  
192 adopted as minimum standard guides for building, plumbing,  
193 electrical, gas, sanitary, and other related codes in Mississippi.  
194 Any county within the State of Mississippi, in the discretion of  
195 the board of supervisors, may adopt building codes, plumbing  
196 codes, electrical codes, sanitary codes, or other related codes  
197 dealing with general public health, safety or welfare, or a  
198 combination of the same, within but not exceeding the provisions  
199 of the construction codes published by nationally recognized code  
200 groups, by order or resolution in the manner \* \* \* prescribed in  
201 this section, but those codes so adopted shall apply only to the  
202 unincorporated areas of the county. However, those codes shall  
203 not apply to the erection, maintenance, repair or extension of  
204 farm buildings or farm structures, except as may be required under

205 the terms of the "Flood Disaster Protection Act of 1973" and shall  
206 apply to a master planned community as defined in Section 19-5-10,  
207 only to the extent allowed in Section 19-5-10. The provisions of  
208 this section shall not be construed to authorize the adoption of  
209 any code which applies to the installation, repair or maintenance  
210 of electric wires, pipelines, apparatus, equipment or devices by  
211 or for a utility rendering public utility services, required by it  
212 to be utilized in the rendition of its duly authorized service to  
213 the public. Before any such code shall be adopted, it shall be  
214 either printed or typewritten and shall be presented in pamphlet  
215 form to the board of supervisors at a regular meeting. The order  
216 or resolution adopting the code shall not set out the code in  
217 full, but shall merely identify the same. The vote or passage of  
218 the order or resolution shall be the same as on any other order or  
219 resolution. After its adoption, the code or codes shall be  
220 certified to by the president and clerk of the board of  
221 supervisors and shall be filed as a permanent record in the office  
222 of the clerk who shall not be required to transcribe and record  
223 the same in the minute book as other orders and resolutions.

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

229 Any code adopted under the provisions of this section shall  
230 not be in operation or force until sixty (60) days have elapsed  
231 from the adoption of same; however, any code adopted for the  
232 immediate preservation of the public health, safety and general  
233 welfare may be effective from and after its adoption by a  
234 unanimous vote of the members of the board. Within five (5) days  
235 after the adoption or passage of an order or resolution adopting  
236 that code or codes the clerk of the board of supervisors shall  
237 publish in a legal newspaper published in the county the full text

238 of the order or resolution adopting and approving the code, and  
239 the publication shall be inserted at least three (3) times, and  
240 shall be completed within thirty (30) days after the passage of  
241 the order or resolution.

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

265 After any such code shall take effect the board of  
266 supervisors is authorized to employ such directors and other  
267 personnel as the board, in its discretion, deems necessary and to  
268 expend general county funds or any other funds available to the  
269 board to fulfill the purposes of this section.



270 For the purpose of promoting health, safety, morals or the  
271 general welfare of the community, the governing authority of any  
272 municipality, and, with respect to the unincorporated part of any  
273 county, the governing authority of any county, in its discretion,  
274 are empowered to regulate the height, number of stories and size  
275 of building and other structures, the percentage of lot that may  
276 be occupied, the size of the yards, courts and other open spaces,  
277 the density or population, and the location and use of buildings,  
278 structures and land for trade, industry, residence or other  
279 purposes, but no permits shall be required except as may be  
280 required under the terms of the "Flood Disaster Protection Act of  
281 1973" for the erection, maintenance, repair or extension of farm  
282 buildings or farm structures outside the corporate limits of  
283 municipalities.

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

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

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

292 21-19-25. Any municipality within the State of Mississippi  
293 may, in the discretion of its governing authorities, adopt  
294 building codes, plumbing codes, electrical codes, gas codes,  
295 sanitary codes, or any other codes dealing with general public  
296 health, safety or welfare, or a combination of the same, by  
297 ordinance, in the manner \* \* \* prescribed in this section. Before  
298 any such code shall be adopted, it shall be either printed or  
299 typewritten, and it shall be presented in pamphlet form to the  
300 governing authorities of the municipality at a regular meeting.  
301 The ordinance adopting the code shall not set out the code in  
302 full, but shall merely identify the same. The vote on passage of

303 the ordinance shall be the same as on any other ordinances. After  
304 its adoption, the code shall be certified to by the mayor and  
305 clerk of the municipality, and shall be filed as a permanent  
306 record in the office of the clerk, who shall not be required to  
307 transcribe and record the same in the ordinance book as other  
308 ordinances. It shall not be necessary that the ordinance adopting  
309 the code or the code itself be published in full, but notice of  
310 the adoption of the code shall be given by publication in some  
311 newspaper of the municipality for one (1) time, or if there be no  
312 such newspaper, by posting at three (3) or more public places  
313 within the corporate limits, a notice in substantially the  
314 following form:

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

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

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

331           The provisions of this section shall apply to all  
332 municipalities of this state, whether operating under the code  
333 charter, a special charter, commission form, or other form of  
334 government.

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