

**\*\*\*Adopted\*\*\*  
AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 692**

**By Senator(s) Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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

39 41-26-14. (1) The department shall develop and implement a  
40 cross connection control program in accordance with this section.

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

48 (2) (a) The board shall adopt regulations defining a high  
49 hazard cross connection and a low hazard cross connection. The  
50 board shall determine which low hazard cross connections pose a  
51 very low risk and therefore are below regulatory concern. Those  
52 low hazard cross connections posing a very low risk shall be  
53 exempt from the requirements of this section and shall not be

54 required to have a backflow preventer. In addition, the  
55 regulations shall specify those backflow preventers which are  
56 recommended to address both high hazard and low hazard cross  
57 connections.

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

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

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

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

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

81 (d) Any regulations that were adopted before the  
82 effective date of House Bill No. 692, 2001 Regular Session, to  
83 implement a cross connection control program shall be void to the

84 extent those regulations are in conflict or inconsistent with this  
85 section.

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

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

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

114 and shall allow the installed backflow preventer to remain in  
115 place until the backflow preventer fails to function properly.

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

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

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

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

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

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

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

168       19-5-9. The construction codes published by a nationally  
169 recognized code group which sets minimum standards and has the  
170 proper provisions to maintain up-to-date amendments are \* \* \*  
171 adopted as minimum standard guides for building, plumbing,  
172 electrical, gas, sanitary, and other related codes in Mississippi.  
173 Any county within the State of Mississippi, in the discretion of

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

203 All provisions of this section shall apply to amendments and

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

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

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

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

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

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

263 The authority \* \* \* granted in this section is cumulative and



264 supplemental to any other authority granted by law.

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

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

271 21-19-25. Any municipality within the State of Mississippi  
272 may, in the discretion of its governing authorities, adopt  
273 building codes, plumbing codes, electrical codes, gas codes,  
274 sanitary codes, or any other codes dealing with general public  
275 health, safety or welfare, or a combination of the same, by  
276 ordinance, in the manner \* \* \* prescribed in this section. Before  
277 any such code shall be adopted, it shall be either printed or  
278 typewritten, and it shall be presented in pamphlet form to the  
279 governing authorities of the municipality at a regular meeting.  
280 The ordinance adopting the code shall not set out the code in  
281 full, but shall merely identify the same. The vote on passage of  
282 the ordinance shall be the same as on any other ordinances.  
283 After its adoption, the code shall be certified to by the mayor  
284 and clerk of the municipality, and shall be filed as a permanent  
285 record in the office of the clerk, who shall not be required to  
286 transcribe and record the same in the ordinance book as other  
287 ordinances. It shall not be necessary that the ordinance adopting  
288 the code or the code itself be published in full, but notice of  
289 the adoption of the code shall be given by publication in some  
290 newspaper of the municipality for one (1) time, or if there be no  
291 such newspaper, by posting at three (3) or more public places  
292 within the corporate limits, a notice in substantially the  
293 following form:

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

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

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

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

314 SECTION 4. This act shall take effect and be in force from  
315 and after July 1, 2001, and shall stand repealed July 2, 2001.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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, BELOW GROUND SWIMMING POOL, WATER  
4 FOUNTAIN OR COOLER, OR FIRE SPRINKLER SYSTEM CONTAINING ONLY WATER  
5 THAT IS CONNECTED TO A PUBLIC WATER SYSTEM, OR ANY SWIMMING POOL  
6 THAT HAS A FILL LINE WITH AN ANTI-SIPHON GAP, SHALL BE CONSIDERED  
7 AS A LOW HAZARD CROSS CONNECTION POSING A VERY LOW RISK AND SHALL  
8 NOT BE REQUIRED TO HAVE A BACKFLOW PREVENTER; TO DEFINE CERTAIN  
9 HIGH-RISK SYSTEMS REQUIRING BACKFLOW PREVENTERS; TO PROVIDE THAT  
10 ADDITIONAL BACKFLOW PREVENTERS SHALL NOT BE REQUIRED FOR

11 CARBONATED BEVERAGE DISPENSERS IF THEY ALREADY HAVE CERTAIN  
12 BACKFLOW PREVENTERS INSTALLED; TO DELETE THE REQUIREMENT THAT  
13 PROPERTY OWNERS MUST INSTALL APPROVED BACKFLOW PREVENTERS; TO  
14 DELETE THE REQUIREMENT THAT PREVIOUSLY-INSTALLED BACKFLOW  
15 PREVENTERS MUST BE TESTED; TO DELETE THE REQUIREMENT THAT LOW  
16 HAZARD BACKFLOW PREVENTERS MUST BE INSPECTED AND TESTED AT LEAST  
17 BIENNIALLY AND MUST BE TESTED AFTER A REPAIR OR A REPLACEMENT  
18 INSTALLATION; TO DELETE THE PROVISION SETTING A MAXIMUM FEE THAT  
19 CERTIFIED BACKFLOW PREVENTER TESTERS MAY CHARGE FOR INSPECTING AND  
20 TESTING OF LOW HAZARD BACKFLOW PREVENTERS; TO PROHIBIT ANY  
21 MUNICIPALITY, COUNTY OR PUBLIC WATER SYSTEM FROM ADOPTING OR  
22 IMPLEMENTING ANY ORDINANCE, REGULATION OR POLICY REGARDING CROSS  
23 CONNECTIONS OR BACKFLOW PREVENTERS THAT IS MORE STRINGENT THAN OR  
24 IN CONFLICT WITH THE PROVISIONS OF THIS SECTION; TO PROVIDE THAT  
25 ANY SUCH ORDINANCE, REGULATION OR POLICY ADOPTED BEFORE THE  
26 EFFECTIVE DATE OF THIS ACT IS VOID; TO PROVIDE THAT IF ANY  
27 MUNICIPALITY OR COUNTY ADOPTS A BUILDING CODE, PLUMBING CODE OR  
28 ANY OTHER CODE THAT CONTAINS REQUIREMENTS OR STANDARDS REGARDING  
29 CROSS CONNECTIONS OR BACKFLOW PREVENTERS, THE MUNICIPALITY OR  
30 COUNTY OR ANY PUBLIC WATER SYSTEM OPERATING IN THE MUNICIPALITY OR  
31 COUNTY IS PROHIBITED FROM IMPLEMENTING OR ENFORCING ANY SUCH  
32 REQUIREMENTS OR STANDARDS THAT ARE MORE STRINGENT THAN OR IN  
33 CONFLICT WITH THE PROVISIONS OF THIS SECTION; TO AMEND SECTIONS  
34 19-5-9 AND 21-19-25, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
35 PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.