

**ORDINANCE NO. 525
(AS AMENDED THROUGH 525.5)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING
ORDINANCE NO. 525 REGULATING THE INSPECTION, MAINTENANCE
AND TESTING OF BACKFLOW PREVENTING ASSEMBLIES AND
INCORPORATING BY REFERENCE ORDINANCE NO. 725**

The Board of Supervisors of the County of Riverside ordains that paragraph b) is added to Section 6 of Ordinance No. 525.

Section 1. No person shall inspect, maintain or test water backflow prevention assemblies as defined and required by Section 7583 et seq. of Title 17 of the California Code of Regulations, in the unincorporated area of Riverside County unless issued a Certificate of Competency by the Director of Environmental Health.

Section 2. The Board of Examiners shall consist of five (5) members appointed by the Board of Supervisors on the recommendation of the Director of Environmental Health. The membership shall include two (2) representatives from the Department of Environmental Health two (2) representatives from the domestic water industry, and one (1) representative from the backflow plumbing industry. The members appointment is for a three (3) year term, not to exceed a collective period of ten (10) years. A chairperson of the Board shall be elected annually by the members of the Board. The Board shall meet at least once in each calendar quarter, unless other meetings are called by the chairperson. Three members of the Board are considered a quorum.

Section 3. Any person desiring initial certification to qualify to inspect, maintain, and test water backflow prevention assemblies shall apply to the Director of Environmental Health on the form provided by the Department of Environmental Health and pay the current non-refundable fee. The applicant shall demonstrate testing knowledge and competency to the Board of Examiners by the successful completion of the Director of Environmental Health approved written examination and physical proficiency test. Knowledge and competency may be demonstrated by showing proof of current AWWA Backflow Prevention Assembly General Tester certification should the Board of Backflow Examiners determine that such certification process demonstrates proficiency equal to or greater than that demonstrated by the local certification program. Upon successful completion of the examination and physical test or the showing of proof of said acceptable AWWA certification, the Director of Environmental Health shall issue a Certificate of Competency to the successful applicant. All Certificates shall be issued for a period not to exceed three (3) years.

Section 4. Renewal of a Certificate shall be issued for a period not to exceed three (3) years. A Certificate may be renewed by the Director of Environmental Health upon application and payment of a non-refundable recertification fee; providing the Director of Environmental Health decides the recertifying person remains qualified to inspect, maintain, and test water backflow prevention devices. Applicants requesting recertification based on an AWWA testing credential will be issued a certificate having a County expiration date that coincides with the AWWA expiration.

Section 5. A written test report shall be provided to the owner of a backflow prevention assembly certifying the proper operation of the unit whenever a certified tester installs, tests, or repairs a water backflow prevention assembly. A copy of the written report shall be kept by the tester of the assembly for a period of not less than three (3) years from the date of report. The written test report will be made available to the Director of Environmental Health by the certified tester at any reasonable time during the working day.

Section 6.

- a) The Director of Environmental Health may, in his/her discretion, deny any application for a certificate whether such application is for an original certificate or renewal thereof, and may suspend or revoke any certificate if he/she finds that the applicant or holder has violated any provision of this ordinance.
- b) Any certificated person who falsifies inspection, maintenance or test reports, made pursuant to Title 17 of the California Administrative Code, may have his or her Certificate of Competency revoked by the Director of Environmental Health and, if revoked, shall not be considered for recertification for a period of 3 years.
- c) Any person whose application has been denied or whose certificate has been suspended or revoked, may appeal such denial, suspension or revocation by filing with the Board of Examiners within fifteen (15) days after notice of such denial, suspension or revocation, a written notice of appeal briefly setting forth the reasons why the appellant alleges such denial, suspension or revocation is improper. Within five (5) days of the receipt by the Director of Environmental Health of such notice of appeal, the Director shall set a hearing date for the appeal and shall give written notice of the date, time, and place of such hearing to the appellant, and such notice shall be sent by registered or certified mail, postage prepaid, return receipt requested. The date of hearing shall not be less than twenty (20) days from the date of mailing of the notice of the date, time and place of the hearing, and the hearing shall be conducted not later than forty-five (45) days from the date of mailing of the notice of denial, suspension or revocation; provided, however, that at the request of the appellant, the Director may extend the hearing date for a reasonable period beyond the aforementioned forty-five (45) day limit.
- d) The appeal shall be heard by the Board of Examiners which may affirm, modify, or reverse the denial, suspension or revocation. In conducting the hearing, the Board of Examiners shall not be limited by the technical rules relating to evidence and witnesses, as applicable in courts of law. To be admissible, evidence shall be of the type upon which reasonable persons are accustomed to rely in the conduct of serious affairs. During the pendency of the appeal, there shall be in effect an automatic stay of the denial, suspension or revocation; provided, however, that during said period of pendency the Director of the Department of Environmental Health may take such action as he/she deems appropriate under this ordinance or any other provision of law respecting the subject application or certificate or the prosecution of any violation of this ordinance or any other provision of law. The decision of the Board of Examiners shall be final.

Section 7.

- A.** Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the county shall be guilty of an infraction unless the violation is made a misdemeanor by ordinance.
- B.** Except in cases where a different punishment is prescribed by any ordinance of the county, any person convicted of a misdemeanor for violation of an ordinance of the county is punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed six months, or both such fine and imprisonment.
- C.** Any person convicted of an infraction for violation of an ordinance of the county is punishable by a penalty of not more than two hundred fifty dollars (\$250.00).
- D.** Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the county is committed, continued or permitted by any such person, and such person shall be punishable accordingly.
- E.** The procedures, remedies and penalties for violation of this ordinance and for recovery of costs related to enforcement are provided for in Ordinance No. 725, which is incorporated herein by this reference.

Section 8. This Ordinance shall take effect thirty (30) days from the date of its adoption.

Adopted: 525 10/13/1970 (Eff: 11/12/1970)

Amended: 525.1 12/02/1975 (Eff: 01/01/1976)

525.2 Item 12.2 of 04/30/1996 (Eff: 05/30/1996)

525.3 Item 3.2 of 09/17/1996 (Eff: 10/17/1996)

525.4 Item 7.2 of 03/17/1998 (Eff: 04/16/1998)

3/14/00 (Eff: 04/13/2000) (Amended by Ord. 802 – Violation Provisions)

525.5 Item 15.9 of 05/22/2007 (Eff: 06/21/2007)