

ORDINANCE NO. 021-39

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 82, ARTICLE II (WATER), BY AMENDING AND RESTATING SECTIONS 82-94 THROUGH 82-105; PROVIDING FOR UPDATED CROSS-CONNECTION CONTROL REGULATIONS; PROVIDING FOR UPDATED ENFORCEMENT PROVISIONS; PROVIDING FOR CIVIL AND CRIMINAL PENTALTIES; PROVIDING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Council has determined it necessary to adopt comprehensive local water utility regulations, including regulations governing cross-connection control facilities, to safeguard the health, property, and welfare of the Town's citizens.

WHEREAS, the City Council finds it necessary to further enhance the safety and welfare of the Town's citizens by amending Chapter 82, Article II (Water) of the Town's code of ordinances to provide for updated cross-connection control regulations and enforcement provisions.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

SECTION 2. That Chapter 82, Article II, Sections 82-94 through 82-105 are hereby amended and restated to read as set forth in Exhibit A, which is attached hereto and incorporated herein for all purposes.

SECTION 3. The provisions of the Town of Addison Code of Ordinances, as amended, shall remain in full force and effect save and except as amended by this ordinance.

SECTION 4. Any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to penalty as provided for in the Code of Ordinances, as heretofore amended, and upon conviction shall be punished by a fine set-in accordance with Chapter 1, Section 1-7 of the Code of Ordinances for the Town of Addison.

SECTION 5. The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining parts or portions of this Ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. All ordinances of the City in conflict with the provisions of this ordinance be, and


the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. This Ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter or ordinance.

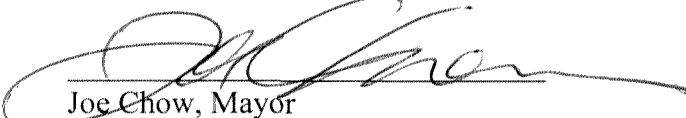
PASSED AND APPROVED by the City Council of the Town of Addison, Texas on this 9th day of **NOVEMBER 2021**.



ATTEST:


Irma G. Parker, City Secretary

TOWN OF ADDISON, TEXAS


Joe Chow, Mayor

APPROVED AS TO FORM:


Whitt Wyatt, City Attorney

Town of Addison Cross Connection Control Ordinance

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AMENED AND RESTATED SECTIONS 82-94 through 82-105:

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Sec. 82-94. – Reserved

Sec. 82-95. - Installation of backflow prevention assembly.

An approved backflow prevention assembly shall be placed on the property side of the water connection to prevent contamination of the water system. In the event an approved backflow prevention assembly was not installed at the time service was obtained from the Town, after due notice in writing, the consumer shall have installed an approved backflow prevention assembly or the water service will be terminated. Following state law all backflow prevention assemblies shall be tested upon installation by a licensed backflow prevention assembly tester that is authorized by the Town.

Sec. 82-96. - Cross-connection control.

- (a) *Cross-connection control purpose.* No water connection from any public drinking water supply system shall be connected to any condensing, cooling, or industrial process or any other system of nonpotable usage over which the public water supply system officials do not have sanitary control. The purpose of this cross-connection control program is to promote the public health, safety, and welfare by adopting regulations designed to:
- (1) Protect the public potable water supply of the Town of Addison from the possibility of contamination or pollution by isolating within a customer's internal distribution systems or a customer's private water systems contaminants or pollutants that could backflow into the public water system;
 - (2) Promote the elimination or control of existing cross-connections, whether actual or potential, between a customer's in plant potable water system(s) and nonpotable water system(s), plumbing fixtures, and industrial piping system(s);
 - (3) Provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the Town's potable water system; and
 - (4) Comply with Title 30 Texas Administrative Code (30 TAC) Chapter 290, Subchapter D: Rules and Regulations for Public Water Systems.
- (b) *Definitions.* For purposes of this section 82, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word or term used in this section 82 is not contained in the following list, its definition, or other technical terms used, shall have the meanings or definitions listed in the most recent edition of the Manual of Cross-Connection Control published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California.

Air gap means a physical separation between the free flowing discharge end of a potable water supply piping and/or appurtenance and an open or non-pressure-receiving vessel, plumbing fixture or other assembly. An "approved air-gap separation" shall be at least twice the diameter of the supply pipe

measured vertically above the overflow rim of the vessel, plumbing fixture or other assembly in no case less than one inch.

Approved backflow prevention assembly or backflow assembly or assembly means an assembly to prevent backpressures or prevent backsiphonage and which is listed as an approved assembly by the University of Southern California (USC) Foundation for Cross-Connection Control and Hydraulic Research or similar rating or standards organization recognized by the managing director.

Approved fire sprinkler contractor means a person or entity holding a certificate of registration as such issued by the Texas State Fire Marshal's Office.

Atmospheric vacuum breaker or AVB means an assembly used to prevent backsiphonage in non-health hazard conditions. This assembly cannot be tested and cannot prevent backpressure backflow. AVBs are not allowed on landscape irrigation systems.

Auxiliary water supply means any water source or system other than the public water system, that may be available in the building or on the property, including groundwater or surface waters used for industrial, irrigation or any other purpose.

Backflow means a flow in a direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the public water system.

Backflow assembly tester (BPAT) or tester means a tester who is qualified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service except firelines. Recognized backflow prevention assembly testers shall have completed a TCEQ Executive Director approved course on cross-connection control and backflow prevention assembly testing, pass an examination administered by the TCEQ Executive Director, and hold a current license as a backflow prevention assembly tester. The two main categories for a BPAT are as follows:

- *General Tester* means backflow prevention assembly testers that has completed an executive director approved course on cross-connection control and backflow prevention assembly testing, pass an examination administered by the executive director, and hold a current license as a backflow prevention assembly tester.
- *Fireline Tester* means a licensed backflow prevention assembly tester that has completed an executive director approved course on cross-connection control and backflow prevention assembly testing, pass an examination administered by the executive director, and hold a current license as a backflow prevention assembly tester may test and repair assemblies on a fire protection sprinkler system only if they are permanently employed by a fire sprinkler contractor registered through the State Fire Marshal's Office. The Texas Insurance Code requires that any person performing maintenance on any part of the overhead or underground piping of a fire sprinkler system, including backflow prevention assemblies, must be employed by a registered fire sprinkler contractor unless exempted in the sprinkler licensing law.

Backflow prevention assembly means an assembly to prevent back pressure or backsiphonage.

Backflow prevention assembly test gauge refers to a differential-pressure gauge. State law requires that gauges used in the testing of backflow-prevention assemblies to be tested for accuracy annually in accordance with the University of Southern California's Manual of Cross-Connection Control or the American Water Works Association (AWWA) Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14). Due to concerns about contamination, the same gauge cannot be used to test backflow-prevention assemblies on potable and non-potable water lines. The most common type of non-potable water line carries reclaimed water—wastewater-treatment-plant effluent that has been treated. Licensed backflow-prevention-assembly testers that test assemblies on both potable and non-potable water lines must use two gauges. The gauge used to test assemblies on non-potable water lines must have a purple decal—affixed to the dial inside the lens cover—with "NON-POTABLE USE ONLY" printed in white lettering. This gauge must not be used to test backflow preventers on lines for potable water.

Backpressure means any elevation of pressure in the downstream piping system (by any means) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of

the normal direction of flow and the introduction of fluids, mixtures or substances from any source other than the intended source.

Backsiphonage means the flow of water or other liquids, mixture or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by a sudden reduction of pressure in the potable water supply system.

Boresight means providing adequate drainage for backflow prevention assemblies installed in vaults through the use of an unobstructed drainpipe.

Commercial means property or location which is used primarily for manufacture, production, storage, wholesaling or retailing of services which is or may be placed in the flow of commerce or any property or location which is used primarily for the provision of any service.

Contamination or contaminated means the entry into or presence in a public water supply system of any substance which may be harmful to health or to the quality of the water.

Cross-connection means any physical arrangement where a potable water supply is connected, directly or indirectly (actually or potentially), to or with any nonpotable water system or source, used water system or auxiliary water supply, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers, air conditioner units, fire protection system, or any other assembly which contains, or may contain, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over assemblies, or other temporary or permanent assemblies through which, or because of which, backflow may occur are considered to be cross-connections.

Cross-connection control assembly means any nationally approved or recognized assembly placed upon any connection, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank receptacle, equipment, or assembly, which is designed to prevent nonpotable, used, unclean, polluted and contaminated water, or other substances, from entering into any part of such potable water system under any condition or set of conditions.

Customer service inspection (CSI) means an examination of the private water distribution facilities for the purpose of providing or denying water service. This inspection is limited to the identification and prevention of cross-connections, potential contaminant hazards, and illegal lead materials. A CSI is not a plumbing inspection as defined and regulated by the TSBPE. A customer service inspector is not permitted to perform plumbing inspections. State statutes and TSBPE adopted rules require that TSBPE licensed plumbing inspectors perform plumbing inspections of all new plumbing and alterations or additions to existing plumbing within the municipal limits of all cities, towns, and villages which have passed an ordinance adopting one of the plumbing codes recognized by TSBPE. Such entities may stipulate that the CSI be performed by the plumbing inspector as a part of the more comprehensive plumbing inspection. Where such entities permit customer service inspectors to perform CSI's, the customer service inspector shall report any violations immediately to the local entity's plumbing inspection department.

Degree of hazard means the hazard classification (health or non-health) assigned to an actual or potential cross-connection.

Double check detector backflow prevention assembly or DCDA means an assembly composed of a line-size approved double check assembly with bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for very low rates of flow.

Double check assembly or double check means an assembly which consists of two independently operating check valves which are spring-loaded or weighted, a gate valve on each side of the checks, and test cocks to test the checks for tightness.

Health hazard means an actual or potential threat of contamination of a physical, chemical, biological or toxic nature to the public water system or a consumer's potable water system that would present a danger to health.

Inspector means a person who is recognized by the Town of Addison as a licensed inspector under the provisions of this article.

Irrigator means a person who sells, designs, offers consultations regarding, installs, maintains, alters, repairs, services or supervises the installation of an irrigation system, including the connection of such system to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30 Texas Administrative Code (30 TAC) Chapter 344 Landscape Irrigation.

Internal cross-connection is one that is located within a facility that has actual or potential contamination hazards connected to the internal potable-water distribution system. These internal hazards and cross-connections are identified when a customer-service inspection is conducted. An internal cross-connection control program consists of backflow prevention at specific locations within a facility where hazards are located. These backflow prevention assemblies are to be installed on the water supply lines to water-using equipment in a manufacturing facility. This requirement for an internal cross-connection control program protects the public water supply, as well the people within the facility.

Managing director or director means the city manager's designee(s) who is vested with the authority and responsibility for the implementation of the Town's cross-connection control program and for the enforcement of the provisions of this article.

Mobile unit means any operation, which may have the potential to introduce contaminants into a potable water system from a mobile source. These include, but are not limited to, carpet-cleaning vehicles, water-hauling vehicles, street-cleaning vehicles, liquid-waste vehicles, power-wash operations, and pest control vehicles.

Non-health hazard means an actual or potential threat to the physical properties of the water system or the potability of the public or consumer's potable water system or the consumer's potable water system but which would not constitute a health hazard as defined. Maximum degree of intensity of pollution which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances.

Nonresidential means water used by any person other than a residential customer of the water supply, including, without limitation, all nonresidential uses identified in the Town's zoning regulations.

Point-of-use means the appropriate backflow prevention within the consumer's water system at the point at which the actual or potential cross-connection exists.

Potable water means any water supply intended or used for human consumption or other domestic use.

Premises means any real property to which water is provided, including all improvements, buildings, mobile and other structures located on it.

Premises containment means backflow prevention at the service connection between the public water system and the water user.

Pressure vacuum breaker or PVB means an assembly which provides protection against backsiphonage but does not provide adequate protection against backpressure backflow. The assembly is a combination of a single check valve with an AVB and can be used with downstream resilient seated shutoff valves. In addition, the assembly has suction and discharge gate valves and resilient seated test cocks which allows the full testing of the assembly.

Private water system means any water supply including a well on or available to the premises other than the Town water supply. The private water system refers to the facilities on the owner's side of the meter. These auxiliary waters may include water from another purveyor's public water supply or any natural source such as a well, spring, river, ponds, etc.

Public water system or system means any public or privately owned water system which supplies water for public domestic use including all service lines, reservoirs, facilities, and any equipment used in the process of producing, treating, storing or conveying water for public consumption.

Reduced pressure principle assembly or RP assembly or RP means an assembly containing two independently acting approved check valves, a hydraulically operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve and including properly located test cocks and tightly closing shut-off valves at each end of the assembly.

Reduced pressure principle detector backflow prevention assembly or reduced pressure detector or RPDA means an assembly composed of a line-size approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for very low rates of flow.

Residential means water used by any residential customer of the water supply and include single-family dwellings, duplexes, multiplex, housing and apartments where the individual units are each on a separate meter; or, in cases where two or more units are served by one meter, the units are full-time dwellings.

Service connection means the point of delivery at which the public water system connects to the private supply line or lateral of a water user.

Spill-resistant pressure vacuum breaker or SVB means an assembly containing an independently operating, internally loaded check valve and independently operating, loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with a properly located resilient seated test cock and tightly closing resilient seated shutoff valves attached at each end of the assembly.

TCEQ means the Texas Commission on Environmental Quality.

Thermal expansion means heated water that does not have the space to expand.

Town means the Town of Addison, Dallas County, Texas.

Texas State Board of Plumbing Examiners or TSBPE state agency responsible for licensing plumbers in Texas and has the authority to issue licenses, endorsements, and registrations. -

Used water means water supplied by a public water system to a water user's system after it has passed through the service connection.

Water use survey means a survey conducted or caused to be conducted by the local authority designed to identify any possible sources of contamination to the potable water supply.

(c) *Backflow prevention assembly requirements.*

- (1) The backflow prevention assembly protection which is required under this article shall be any of the duly nationally recognized and authorized backflow prevention assemblies listed in a State of Texas approved Plumbing Code or as determined by the Town. Each backflow prevention assembly must have been approved by the Town prior to installation. Failure to obtain such approval prior to installation of the backflow prevention assembly may result in the backflow prevention assembly failing to meet the final approval by the Town. The Town shall determine the type and location of backflow assembly to be installed within the area serviced by the Town.
- (2) With the approval of the managing director, a licensed backflow assembly tester employed by or under contract or with the Town shall determine the type and location of any backflow assembly to be installed within the Town's water service area. The assembly shall be required in each of the following circumstances, but the tester is in no way limited to the following circumstances:
 - (i) When the nature and extent of any activity at a premise, or the materials or equipment used in connection with any activity at a premises, or materials stored at a premises, could present a health hazard upon entry into the public water system.
 - (ii) When a premise has one or more cross-connections.
 - (iii) When internal cross-connections are present that are not correctable.
 - (iv) When intricate plumbing arrangements are present that make it impractical to ascertain whether cross-connections exist.

- (v) When a premise has a repeated history of cross-connections being established or re-established.
 - (vi) When entry to a premise is restricted so that inspections for cross-connections cannot be made with sufficient thoroughness or frequency to assure that cross-connections do not exist.
 - (vii) When materials are being used such that, if backflow should occur, a health hazard could result.
 - (viii) When installation of an approved backflow prevention assembly is determined by an inspector to be necessary to accomplish the purpose of these regulations.
 - (ix) When an appropriate customer service inspection (CSI) has not been filed with the managing director.
 - (x) On all multistory buildings or any building with a booster pump or elevated storage tank.
 - (xi) For any used water return system that has received approval from the managing director.
- (3) In all new nonresidential construction the managing director has the authority to require an approved backflow assembly at the service connection. The type of the assembly will correspond to the degree of hazard as determined by the managing director. At any residence or establishment where an actual or potential contamination hazard exists and an adequate internal cross-connection control program is in effect, backflow protection at the water service entrance or meter may be required.
- (4) When a building is constructed on commercial premises, and the end use of such building is not determined or could change, a reduced pressure principle backflow prevention assembly shall be installed at the service connection to provide protection of the public water supply in the event of the most hazardous use of the building. The use of a backflow prevention assembly at the service connection shall be considered as additional backflow protection and shall not negate the use of backflow protection on internal hazards as outlined and enforced by local plumbing codes.
- (5) If a point-of-use assembly has not been tested or repaired as required by this article, the installation of a reduced pressure principle assembly will be required at the service connection.
- (6) If an inspector determines that additions or rearrangements have been made to the plumbing system of a premises without the proper permits as required by the plumbing code, premises containment shall be required.
- (7) Retrofitting shall be required on all point-of-use health hazard connections and wherever else the managing director determines that retrofitting is necessary due to circumstances that indicate that cross-connection is likely to occur unless a back-flow prevention assembly is installed.
- (8) All backflow prevention assemblies installed after the effective date of the Town ordinance which adopted this article shall be installed in a manner designed to facilitate ease of inspection by the Town. Any currently installed backflow prevention assemblies, which are located in inaccessible locations, or where the tester is subject to physical danger, shall be relocated to approved locations following installation guidelines of this article.
- (9) An approved double detector check valve assembly shall be the minimum protection on all new fire sprinkler systems. An RP assembly shall be installed if any solution other than potable water can be introduced into the sprinkler system. Retrofitting shall be required on all health hazard systems, where improper maintenance has occurred, and wherever an inspector determines that such measures are necessary under the conditions found by the inspector.
- (d) *Fire protection systems.* All new and existing fire protection systems which utilize the Town's potable water supply shall have installed an approved backflow prevention assembly according to the degree of hazard.

An approved double check detector backflow prevention assembly (DCDA) or reduced pressure detector assemblies (RPDA) shall be the minimum protection for the fire sprinkler systems. A (RPDA) must be installed if any solution other than potable water can be introduced into the sprinkler system.

- (1) It is the responsibility of all property owners and persons in charge of any premises to abide by the conditions of this article. In the event of any changes to the plumbing system, it is the responsibility of the property owners to notify the Town. In the event changes to the plumbing system are not reported to the Town, the Town is not responsible for any damages incurred. All costs associated with this article and the purchase, installation, testing and repair of a (DCDA) or (RPDA) assembly is the responsibility of the property owner and persons in charge of any premises.
 - (2) Any person performing maintenance on firelines must be a full-time employee of an approved fire sprinkler contractor and hold the appropriate sprinkler certificate of registration for the testing and repair of fireline backflow prevention assemblies per the Texas Department of Insurance & State Fire Marshal's Office.
 - (3) A Town backflow assembly approved test report must be completed by a recognized backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the managing director for record keeping purposes.
 - (4) Retrofitting shall be required when the water supply in a certain area has been contaminated and the fire protection system has contributed to the contamination and when an authority having jurisdiction to protect the potable water supply mandates a fail-safe system.
- (e) *Fire hydrant protection.* A double check shall be the minimum protection for fire hydrant water meters which are being used for a temporary water supply during any construction or other uses which would pose a potential hazard to the public water supply.
- (1) It is the responsibility of all persons engaging in the use and rental of a fire hydrant water meter to abide by the conditions of this article. All fire hydrant water meter rentals shall meet the current requirements as provided for by the Town.
 - (2) Only Town fire hydrant water meters with approved backflow prevention assemblies are allowed to be used within the Town limits.
 - (3) A refundable deposit (see subsection (s) of this article) is required to ensure the return of all water meters and backflow assemblies to the Town. Failure to return the assemblies can result in the forfeiture of deposit and enforcement action being taken against the responsible party, as allowed for in the enforcement section in this article.
 - (4) All nonapproved fire hydrant meters which are found to be in use in the Town will be removed by the Town and enforcement action taken against the responsible party.
 - (5) It is the responsibility of all persons engaging in the use and rental of a fire hydrant water meter to ensure that the assembly is returned for annual testing as required by subsection 82-96(s) of this article.
 - (6) A Town test report must be completed by a recognized backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the managing director for record keeping purposes.
 - (7) Failure to submit an annual test report may result in enforcement action being taken against the responsible party, as allowed for in the enforcement subsection of this article.
- (f) *Mobile units.* The connection of a mobile unit to any potable water system is prohibited unless such connection is protected by an air gap or an approved backflow prevention assembly. Prior approval and annual assembly testing of any backflow prevention assembly must be received from the Town before connecting to any potable water system.

- (g) *Plumbing code.* As a condition of water service, a customer shall install, maintain, and operate the customer's piping and plumbing systems in accordance with the plumbing code provisions adopted by the Town of Addison (the "plumbing code"). In the event of a conflict between this article and the plumbing code, the more restrictive provision shall apply.
- (h) *Thermal expansion.* It shall be the responsibility of the premises owner to eliminate the possibility of thermal expansion, if a closed system has been created by the installation of a backflow assembly.
- (i) *Pressure loss.* Any water pressure drop caused by the installation of a backflow assembly shall be the responsibility of the premise's owner and not the Town.
- (j) *Compliance for landscape irrigation.*
 - (1) A permit from the Town is required for all landscape irrigation system installations. Such permit shall be issued by the Town's building inspection department. Installation requirements must comply with the current Town plumbing code or guidelines for appropriate assembly found in this article.
 - (2) Any irrigation system that is connected to a public or private potable water supply must be connected through a TCEQ approved backflow prevention method. The backflow prevention assembly must be approved by the American Society of Sanitary Engineers; or the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California; or the Uniform Plumbing Code; or any other laboratory that has equivalent capabilities for both the laboratory and field evaluation of backflow prevention assemblies. The backflow prevention assembly must be installed in accordance with the laboratory approval standards or if the approval does not include specific installation information, the manufacturer's current published recommendations.
 - (3) Backflow prevention assemblies used in applications designated as health hazards must be tested upon installation and annually thereafter. Before any chemical is added to an irrigation system connected to any potable water supply, the irrigation system must be connected through a reduced pressure principle backflow prevention assembly or air gap.
 - (4) Connection of more than one water source to an irrigation system presents the potential for contamination of the potable water supply if backflow occurs. Therefore, connection of any additional water source to an irrigation system that is connected to the potable water supply may only be done if the irrigation system is connected to the potable water supply through a reduced pressure principle backflow prevention assembly or an air gap.
 - (5) If an irrigation system is connected to a potable water supply and requires major maintenance, alteration, repair, or service, the system shall be connected to the potable water supply through an approved, properly installed backflow prevention method as defined in this article before any major maintenance, alteration, repair, or service is performed.
 - (6) An irrigator shall ensure the backflow prevention assembly is tested prior to being placed in service and the test results provided to the managing director and the irrigation system's owner or owner's representative within ten business days following testing of the backflow prevention assembly.
 - (7) Homes or Business irrigation systems that are installed on sites that have an on-site sewage facility (such as a septic tank) elevates the classification of the irrigation system to a health hazard requiring the installation of an RP. If the system was installed before 2009, a Double-Check Valve Assembly will be allowed provided the landscape irrigation system can be proven installed prior to January 2009. If the owner is not able to prove the system was installed prior to 2009 then the current RPZ requirements including annually testing, or cap and plug of the landscape irrigation potable connection are required. If the owner's irrigation system (connected to the Town's potable water supply) requires major maintenance, alteration, repair, or service, it

must be through an approved, properly installed backflow prevention assembly RP. The owner is required to obtain required building permits.

- (8) AVBs are inadequate for backflow prevention on irrigation systems because they will not function correctly with a downstream valve and are no longer allowed. If the owner's irrigation system (connected to the Town's potable water supply) requires major maintenance, alteration, repair, or service, it must be through an approved, properly installed backflow prevention assembly tester. The owner is required to obtain required building permits.

- (k) *Rainwater harvesting.* An approved backflow prevention assembly must be installed to prevent nonpotable water from entering the potable system. All piping that contains nonpotable water must be labeled "UNTREATED RAINWATER - DO NOT DRINK" and an air gap or reduced pressure principle backflow assembly be installed to protect the water system.

- (l) *Residential service connections.* A residential premise that has been determined to have an actual or potential cross-connection shall be equipped with an approved backflow prevention assembly installed in accordance with this article. This assembly can be required to be installed either at the customer meter or at the point of use at the expense of the owner/occupant and shall conform to the assembly testing requirements as provided in this article.

- (m) *Interconnections.* No physical connection between the distribution system of a public drinking water supply and that of any other water supply shall be permitted unless the other water supply is of a safe, sanitary quality and the interconnection is approved by the managing director.

- (n) *Multiple connections.* Any premises requiring multiple service connections for adequacy of supply and/or fire protection shall have a backflow assembly on each service connection. The assembly shall be commensurate with the degree of potential hazard that could occur in the event of an interconnect between any of the buildings on the premises.

- (o) *Customer service inspection.* A customer service inspection (CSI) is an examination of the private water system for the purpose of providing or denying water service.

Permanent water service to a new facility shall not be granted until the requirements of the CSI have been met. Before the Town provides continuous or permanent water service to a premise, a CSI for cross-connection control shall be completed, pursuant to 30 Texas Administrative Code Rule §290.46(j) (and as the same may be amended or superseded). A CSI certification form shall be completed and filed with the managing director under each of the following circumstances:

- (1) New construction.
- (2) Material improvement, correction, or addition to the private water system (defined as plumbing work that requires a permit and involves a major modification to the private water system). The private water system refers to the facilities on the owner's side of the meter.
- (3) When the water managing director believes that a cross-connection or other potential contamination hazards exist. In such a case, the managing director shall notify the customer to provide justification for requiring an inspection by specifically identifying the threat that is believed to exist prior to discontinuation of water service.

- (p) *Certification of customer service inspectors.* A person who performs CSIs or who prepares certification forms shall be registered as a licensed customer service inspector with the Town and shall meet all the requirements of 30 Texas Administrative Code Rule §290.46(j)(1) (and as the same may be amended or superseded) for accreditation as a customer service inspector. The Town's building inspection department conducts all CSI's for the Town, but the Town may outsource these inspections.

In order to perform the CSI's, the Town may:

- (1) Provide a list of certified inspectors to the customer. The customer then selects and hires an inspector;

- (2) Provide qualified employees to perform the inspections at a cost to the customer in order to validate the inspection; or
- (3) Hire independent, qualified contractors to perform the inspections.
- (4) Inspector shall utilize the Town's approved reporting requirements and process for all CSI's performed.

(q) *Certification of backflow prevention assembly testers.*

- (1) All backflow assembly testers operating within the Town shall be licensed in accordance with all applicable regulations of the TCEQ. Testers shall further be required to apply annually for a local tester registration issued by the Town. The managing director shall establish the application criteria required for registration under this section. No person shall operate as a backflow prevention assembly tester within the Town without a valid registration issued by the managing director of the Town.
- (2) Persons licensed as backflow prevention assembly testers shall meet all TCEQ training requirements and maintain TCEQ approved certification as a backflow prevention assembly tester (per 30 TAC Chapter 30, Subchapter A: Administration of Occupational Licenses and Registrations).

(r) *Licensed backflow prevention assembly tester (BPAT) responsibilities.* Only approved TCEQ licensed backflow prevention assembly testers can test backflow prevention assemblies in the Town.

- (1) An annual licensed BPAT registration shall remain in effect so long as the tester maintains eligibility for registration and certification as provided in this article, including continued certification by the TCEQ and timely payment of the annual registration fee.
- (2) Upon recertifying, a tester shall renew the tester's registration with the managing director.
- (3) An applicant for registration shall:
 - (i) Demonstrate to the managing director that the applicant has available the necessary tools and equipment to properly test backflow prevention assemblies;
 - (ii) Provide evidence to the managing director that the applicant has successfully completed "permit confined-space entry training" as specified by the United States Occupational Safety and Health Administration (and as set forth in 29 Code of Federal Regulations Part 1910.146 (and as the same may be amended or superseded));
 - (iii) Identify all test gauges the applicant will use in testing backflow prevention assemblies. Gauges used in the testing of backflow prevention assemblies shall be tested for accuracy annually in accordance with the University of Southern California's Manual of Cross-Connection Control or the American Water Works Association Recommended Practice for Backflow Prevention and Cross-connection Control (Manual M14). The Town shall require testers to include test gauge serial numbers on "test and maintenance" report forms and ensure testers have gauges tested for accuracy; and
 - (iv) Register annually with the Town, provide proof of TCEQ licensing, and pay an annual, nonrefundable tester registration fee (see subsection (s) of this section 82-96).
- (4) A registered BPAT shall:
 - (i) File the serial number of each of the tester's test kits with the managing director;
 - (ii) Annually have each recorded test kit tested for accuracy and calibrated to maintain a plus or minus two-percent accuracy factor;
 - (iii) Perform competent and accurate certifications of each backflow prevention assembly tested and submit complete reports thereof to the managing director;

- (iv) Complete a Town test report for each assembly tested. The signed and dated original must be submitted to the managing director for record keeping purposes; and
 - (v) List registered serial numbers of test gauges on tests and maintenance reports prior to submitting the reports to the managing director.
 - (vi) Utilize the Town's approved reporting requirements and process for all backflow assembly tests performed.
- (5) A registered tester shall not change the design or operating characteristics of a backflow prevention assembly unless the tester has received prior written approval for the change from the managing director.
- (6) After notice and hearing, the managing director may revoke a registration issued to a tester or CSI inspector if the managing director determines that the person:
- (i) submitted a false, incomplete, or inaccurate statement or report to the Town, including filing a false, incomplete, or inaccurate report of test completion or certification of a backflow prevention assembly;
 - (ii) used an inaccurate gauge or a gauge that does not meet the manufacturer's calibration standards;
 - (iii) used improper testing procedures (including lead testing procedures for CSIs);
 - (iv) is not in compliance with any one or more applicable safety regulations;
 - (v) failed to register the serial numbers of the tester's test kits or has failed to calibrate gauges annually;
 - (vi) failed to maintain licensure with the TCEQ;
 - (vii) violated any other provision of this section 82-96;
 - (viii) created a threat to public health or the environment, or
 - (ix) At the discretion of the managing director and upon notice that inappropriate testing activities have taken place.

(s) *Fees.*

- (1) There shall be a testing fee for each separate backflow assembly on which a test is performed by the Town. If upon inspection or testing of a newly installed backflow prevention assembly, it is deemed not to be working properly, it is the responsibility of the property owners or persons in charge of any premises to make necessary repairs. A retest fee will be assessed for each retest. The Town may choose to randomly test installed backflow assemblies and if there are any discrepancies found, a retest fee may be assessed.
- (2) The following fees shall be applicable in connection with this section 82-96:
- (i) *Testing and retest fees:* The fee for a backflow prevention assembly test is \$200.00 for each initial test. The fee for a retest is \$100.00 for each retest performed.
 - (ii) *Licensed BPAT registration fee:* Annual registration fee for approved testers shall be a fee of \$75.00, which shall be due at the time of registration.
 - (iii) *Submittal and reporting fees:* Testers shall be responsible for all costs, fees and expenses related to the submittal and reporting requirements applicable to testers under this article, including all third-party fees incurred by the Town.
 - (iv) *Deposit fee for fire hydrant water meter with backflow prevention assembly:* There shall be a refundable rental deposit fee of \$2,000 for fire hydrant water meters with backflow prevention assemblies. The deposit will be refunded when the meter is returned, any damages assessed and applied fees paid. -

- (v) *Private contractors testing fees:* There shall be no additional charges by the Town for testing conducted by private contractors on behalf of the Town.

(t) *Testing of assemblies.*

- (1) All required backflow assemblies shall be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester.
- (2) All health hazard backflow prevention assemblies shall be inspected and tested or caused to be inspected and tested by the Town in each of the following circumstances:
 - (i) Immediately after installation;
 - (ii) A minimum of once a year or as required by the managing director;
 - (iii) Immediately after repair;
 - (iv) Premises that have been vacated and unoccupied for one year, prior to re-occupancy;
 - (v) Whenever the assembly is moved.
- (3) All assembly testing shall be performed by a state licensed backflow prevention assembly tester, approved by the Town.
- (4) Duly authorized employees of the Town bearing proper credentials and identification are entitled, in accordance with law, to enter any public or private property for the purpose of enforcing this article. Subject to applicable law, persons and occupants of the property which are provided water service by the Town, either directly or indirectly, shall allow the Town or its representatives ready access at all reasonable times to all parts of the property for the purpose of inspection, testing, records examination, or in the performance of their duties. When persons or occupants of the property have security measures in force which would require proper identification and clearance before entry into the property, the persons and occupants of the property shall make necessary arrangements with their security personnel so that upon presentation of suitable identification, personnel from the Town will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- (5) The Town shall not be liable for damage to an assembly that occurs during testing.
- (6) A water use survey may be conducted at any establishment located in the Town which is served by a public water supply or which provides water to the public. Upon determination that the establishment falls under the provisions of this article and requires a backflow prevention assembly, a notice to abate the condition or to install the proper backflow prevention assembly shall be issued.
- (7) It is the responsibility of the person who owns or controls property to have all assemblies tested in accordance with this article. Assemblies may be required to be tested more frequently if the Town deems necessary.
- (8) All results from assembly testing by a licensed backflow prevention assembly tester shall be submitted in compliance with the Town's reporting requirements.

- (u) *Maintenance of assemblies.* A person who owns, operates, or manages a premise in which a required backflow prevention assembly is installed shall maintain such assemblies in proper working order at all times, including such repairs as may be necessary to keep the assembly in proper working order. The maintenance and repair of all assemblies shall be done in accordance with the applicable regulations of the TCEQ and this article. A backflow prevention assembly shall be maintained in a manner that allows the assembly to be tested by a method that has been approved by TCEQ.

- (v) Installation guidelines and requirements for backflow prevention assemblies. A backflow prevention assembly shall be installed in accordance with the following requirements in order to ensure the proper operation of and accessibility to the assembly:
- (1) *General.* To ensure proper operation and accessibility of all backflow prevention assemblies, the following national guideline requirements shall apply to the installation of these assemblies.
 - (i) A backflow prevention assembly shall be installed in accordance with the current TCEQ rules and this article. The assembly installer shall obtain the required plumbing permits prior to installation and shall have the assembly inspected by the Town.
 - (ii) At facilities which require a backflow prevention assembly to be installed at the point of delivery of the water supply, such installation of the assembly must be before any branch in the line, and on private property located just inside the boundary between the Town's right-of-way and the landowner's property. The managing director may authorize other areas for installation of the assembly. Assemblies that must be installed or are located on Town rights-of-way are the responsibility of the business or entity that the water line is serving.
 - (iii) The assembly shall be protected from freezing and other severe weather conditions.
 - (iv) All backflow prevention assemblies shall be of a type and model approved by the managing director.
 - (v) All vertical installations of backflow prevention assemblies shall be approved in writing by the managing director prior to installation.
 - (vi) All assemblies installed more than four feet above floor level must have a suitable platform for use by testing or maintenance personnel.
 - (vii) Upon completion of the installation, the Town shall be notified, and all assemblies must be inspected and tested. The premises owner shall register all backflow assemblies with the managing director by providing the date of installation, the manufacturer, model and serial number of the backflow prevention assembly, and the initial test report for the assembly.
 - (viii) The premises owner assumes all responsibility for any pressure loss, damages resulting from installation, operation, and maintenance of a backflow assembly. The owner shall also ensure that any vault in which a backflow prevention assembly is contained is kept free of silt and debris that may interfere with the proper operation, inspection or testing of the assembly.
 - (ix) Lines shall be thoroughly flushed prior to installation. A strainer with blowout tapping may be required ahead of the assembly.
 - (x) Bypass lines are prohibited. Pipefittings which could be used for connecting a bypass line are not allowed.
 - (xi) Premises where an uninterrupted water supply is critical should be provided with two assemblies installed in parallel. They should be sized in such a manner that either assembly will provide the maximum flow required.
 - (xii) All facilities that require continuous, uninterrupted water service and are required to have a backflow assembly must make provisions for the parallel installation of assemblies of the same type so that testing, repair and maintenance can be performed.
 - (xiii) All backflow prevention assemblies must be tested in accordance with this article. Tests are the responsibility of the assembly owner. The Town of Addison requires notification upon installation of any backflow prevention assembly.
 - (xiv) All backflow prevention assemblies test results and fees are required to be submitted in compliance with the Town's reporting requirements.
 - (2) *Reduced pressure principle backflow prevention assemblies (RPs).* RPs may be utilized at any premises where a substance is handled that could be hazardous to the public health if

introduced into the potable water system. The RP is normally used in locations where an air gap is impractical. The RP shall be effective against both backsiphonage and backpressure.

- (i) RPs must be sized to provide an adequate supply of water and pressure for the premises being served.
 - (ii) No part of a reduced pressure principle backflow prevention assembly shall be submerged in water or installed in a location subject to flooding.
 - (iii) RPs are typically installed above grade in well drained areas but may be installed below grade (ground level) if a boresight drain to daylight is provided. The drain shall be of adequate capacity to carry the full rated flow of the assembly and shall be screened on both ends.
 - (iv) The assembly must be readily accessible for testing and maintenance and shall be located in an area where water damage to buildings or furnishings will not occur from relief valve discharge. The property owner assumes all responsibility for any damage caused by water discharge from an RP assembly. An approved air gap shall be located at the relief valve orifice of RP assemblies. The air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain and in no case less than one inch.
 - (v) All RP assemblies larger than two inches shall have a minimum of 12 inches clearance on the back side, 24 inches clearance on the test cock side, and the relief valve opening shall be at least 12 inches plus nominal size of assembly above the floor or highest possible water level. Headroom of six feet is required in vaults without a fully removable top. A minimum access opening of 24 inches square is required on all vault lids. All RP assemblies two inches and smaller shall have at least a six-inch clearance on all sides.
 - (vi) Enclosures shall be designed for ready access and sized to allow for the minimum clearances established above. Removable protective enclosures are typically installed on the smaller assemblies. Daylight drain ports must be provided to accommodate full pressure discharge from the assembly.
 - (vii) All RPs must be tested in accordance with this article. Tests are the responsibility of the assembly owner. The owner must notify the Town upon installation of any backflow prevention assembly.
 - (viii) Variances from these specifications will be evaluated on a case-by-case basis. No deviations from this article shall be permitted without prior written approval of the managing director.
- (3) *Reduced pressure principle detector backflow prevention assemblies (RPDAs)*. RPDAs may be utilized in all installations requiring a reduced pressure principle backflow prevention assembly and detector metering.
- (i) RPDAs shall comply with the installation requirements applicable for RPs.
 - (ii) The line-size RP assembly and the bypass RP assembly must each be tested. A separate test report for each assembly must be completed by the certified tester.
- (4) *Double check valve backflow prevention assemblies (DCs)*. DCs may be utilized at premises where a substance is handled that would be objectionable but not hazardous to health if introduced into the potable water system.
- (i) DCs must be sized to provide an adequate supply of water and pressure for the premises being served.
 - (ii) If a double check valve assembly is installed in a vault, brass plugs shall be maintained in the test ports at all times and adequate drainage shall be provided.
 - (iii) On premises where no interruption of water supply is critical two assemblies of the same type installed in parallel shall be provided. The assemblies shall be sized in such a manner

that either assembly will provide the minimum water requirements while the two together will provide the maximum flow required.

- (iv) Bypass lines are prohibited. Pipe fittings that could be used for connecting a bypass line shall not be installed.
- (v) The assembly shall be readily accessible with adequate room for testing and maintenance. DCs may be installed below grade provided all test cocks are fitted with brass pipe plugs. All vaults containing a DC shall be well drained, constructed of suitable materials, and sized to allow for the minimum clearances established below.
- (vi) DC assemblies two inches and smaller shall have at least a three-inch clearance below and on both sides of the assembly, and if located in a vault, the bottom of the assembly shall be not more than 24 inches below grade. All DC assemblies larger than two inches shall have a minimum clearance of 12 inches on the back side, 24 inches on the test cock side, and 12 inches below the assembly. Headroom of six feet is required in vaults without a fully removable top. A minimum access opening of 24 inches square is required on all vault lids.
- (vii) Vertical installations are allowed on sizes up to and including four inches that meet the following requirements:
 - (A) The DC assembly shall contain internally spring-loaded check valves;
 - (B) Flow is upward through assembly;
 - (C) The assembly manufacturer specifies that the assembly can be used in a vertical position; and
 - (D) The managing director authorizes the vertical installation of the DC assembly.
- (viii) All DCs must be tested in accordance with this article. Tests are the responsibility of the assembly owner. The owner must notify the Town upon installation of any backflow prevention assembly.
- (ix) Variances from these specifications will be evaluated on a case-by-case basis. No deviations shall be permitted without prior written approval of the managing director.
- (5) *Double detector check valve assembly* (DCDAs). DCDAs may be utilized in any installation that requires a double check valve assembly and detector metering.
 - (i) DCDAs shall comply with the installation requirements applicable for double check valve assemblies (DCs).
 - (ii) The line-size DC assembly and the bypass DC assembly must each be tested. A separate test report for each assembly must be completed by the licensed tester.
- (6) *Pressure vacuum breaker assembly*. PVBs may be utilized at point-of-use protection only and only if a substance is handled at the premises where the assembly is installed that could be objectionable but not hazardous to health if the substance is introduced into the potable water system. PVBs protect against backsiphonage only and shall not be installed where there is potential for backpressure.
 - (i) The assembly shall be installed a minimum of 12 inches above the highest use outlet or overflow level downstream from the assembly.
 - (ii) A PVB shall not be installed in an area subject to flooding or where damage could occur from water discharge.
 - (iii) The assembly shall be readily accessible for testing and maintenance, with a minimum clearance of 12 inches all around the assembly. PVBs shall be located between 12 inches and 60 inches above ground level.

- (iv) All PVBs must be tested in accordance with this article. Tests are the responsibility of the assembly owner. The owner must notify the Town upon installation of any backflow prevention assembly.
 - (v) Variances from these specifications will be evaluated on a case-by-case basis. No deviations shall be permitted without prior written approval of the managing director.
- (7) *Atmospheric vacuum breaker.* AVBs provide minimal protection and are approved for non health hazard application only. AVBs protect against backsiphonage only and are prohibited where there is potential for backpressure.
- (i) The AVB assembly shall be installed a minimum of six inches above the highest use outlet or overflow level downstream from the assembly.
 - (ii) Shutoff valves downstream from the assembly are prohibited.
 - (iii) An AVB shall not be used on any application where there is more than 12 hours per day of continuous use.
 - (iv) An AVB shall not be installed in an area subject to flooding or where damage may occur from water discharge.
 - (v) AVBs shall be allowed for point-of-use protection only, in accordance with the plumbing code.
 - (vi) An AVB shall not be installed on landscape irrigation systems as required by the TCEQ.
- (8) *Air gap separation.* An air gap separation provides maximum protection from backflow hazards and should be utilized at all locations where "high" hazardous substances are at risk of entering the potable water system when applicable.
- (i) An air gap separation shall be at least twice the diameter of the supply pipeline measured vertically above the top rim of the receiving vessel and in no case less than one inch. If splashing may occur, tubular screens may be attached or the supply line may be cut at a 45° angle. The air gap distance shall be measured from the bottom of the angle. Hoses shall not be allowed.
 - (ii) Air gap separations shall not be altered in any way without prior approval from the managing director and must be available for inspection at all reasonable times.
 - (iii) The effective opening shall be the minimum cross-sectional area at the seat of the control valve or the supply pipe or tubing which feeds the assembly or outlet. If two or more lines supply one outlet, the effective opening shall be the sum of the cross-connectional areas of the individual supply lines or the area of the single outlet, which is smaller.
- (9) *Spill-resistant pressure vacuum breaker.* May be utilized in all installations requiring a pressure vacuum breaker.
- (i) SVBs shall comply with the installation requirements for pressure vacuum breaker backflow prevention assemblies.
- (w) *Right-of-way encroachment.*
- (1) No person shall install or maintain a backflow prevention assembly upon or within any Town right-of-way except as allowed by this subsection of this section.
 - (2) The managing director, with the concurrence of the director of public works, may grant in writing a license (in form and content as determined by the Town) to install a backflow prevention assembly required by this division upon or within a Town right-of-way only if the owner proves to the Town that there is no other feasible location for installing the assembly, and that installing it in the right-of-way will not interfere with traffic, utilities or any other public use of the right-of-way (and obtains a permit from the Town). The Town has the right to approve the location, height, depth, enclosure and other requisites of the assembly prior to its installation.

- (3) All permits and inspections required by the Town's Code of Ordinances to perform work in the right-of-way shall be obtained prior to installation.
- (4) The assembly shall be installed below or flush with the surrounding grade except when it is not practical to install it in this manner. Any backflow prevention assembly or portion of an assembly which extends aboveground shall be located no closer than 18 inches to the face of the curb.
- (5) The owner of a backflow prevention assembly that has been installed upon or within a Town right-of-way as provided by this division shall, at the request of the Town and at the owner's sole expense, immediately relocate the assembly when such relocation is deemed necessary or appropriate by the Town.
- (6) The Town shall not be liable for any damage done to or caused by an assembly installed in the Town right-of-way.
- (7) A person commits an offense if the person fails to relocate a backflow prevention assembly located in or upon any Town right-of-way after receiving a written notice from the managing director.

Sec. 82-97. - Enforcement

- (a) *General Enforcement.* This article shall be enforced by the managing director or the manager's designated representatives or employees
- (b) *Inspections.*
 - (1) The managing director may inspect or require an inspection of any premises, facilities, real property, or buildings connected to the public water system. An inspection may include:
 - (i) a survey of the property or facilities, real property, or buildings for cross connections;
 - (ii) inspection of existing backflow prevention assembly installation;
 - (iii) annual testing and certification of assemblies by a licensed backflow prevention assembly tester, on or before the date established by the managing director; and
 - (iv) a customer service inspection that the managing director has determined reasonably necessary to identify or prevent cross-connections, potential contaminant hazards, and illegal lead materials.
 - (2) For new facilities, permanent water service shall not be provided until all backflow prevention assemblies have been tested, are operational, and a CSI has been completed. Except in cases where the testing of backflow prevention assemblies must be delayed until the installation of internal production or auxiliary equipment, the Town shall not approve a certificate of occupancy until all backflow prevention assemblies are operational, have been tested, and all assembly test reports have been turned in to the managing director in conformance with the Town's reporting procedures.
 - (3) The Town shall not be liable for damage caused to any backflow prevention assembly as a result of inspection or testing performed under this section.
- (b) *Right of Entry.*
 - (1) The managing director may enter a customer's premises or facility, including an easement or private property where a public or private potable water system is located, to gain access to a cross connection, backflow prevention assembly, or piping. The managing director's right of entry is a condition of a customer's water service or connection to the Town's public water system.
 - (2) The managing director may inspect a customer's potable water system, piping, or the records required under this article or the rules of a public water system with which the Town has an agreement for wholesale water service.

- (3) A customer shall promptly remove, at the customer's sole expense, a security barrier or other obstacle to access by the managing director to the customer's property or facility.
- (4) In connection with action by the managing director under this article, a customer with water service provided by the utility commits an offense if the person:
 - (i) denies the managing director right of entry;
 - (ii) fails to remove a barrier or obstacle to access by the managing director; or
 - (iii) unreasonably delays access by the managing director.
- (5) A commercial water service customer may, in lieu of the mandatory installation of a backflow prevention assembly, provide the Town access during reasonable business hours to the customer's premises for the purpose of determining compliance with the provisions of this article. Such access shall be unobstructed and safely accessible. A commercial water service customer who fails or refuses to provide the optional access shall install and maintain a reduced pressure principle assembly at the water service connection to the premises.

(c) *Search Warrants.*

- (1) The managing director may apply to the municipal court or other court of competent jurisdiction for a search warrant if:
 - (i) a customer denies the managing director access to a building, structure, property, or a public or private potable system connected to the Town's public water system; or
 - (ii) the managing director has probable cause to believe there is:
 - (A) a violation of this article or other enforcement order;
 - (B) a need to conduct a cross connection inspection or cross connection survey; or
 - (C) a threat to public health or safety.
- (2) The managing director may make an inspection without a warrant to remedy an imminent danger to the public health and safety.

(d) *Offenses.* A person commits an offense if the person:

- (1) commits or assists in the commission of a violation of this article, including without limitation, if the person:
 - (i) refuses a request to conduct a required CSI in compliance with this article;
 - (ii) fails to maintain backflow prevention assemblies in compliance with this article;
 - (iii) fails to comply with a repair order issued by the Town;
 - (iv) allows backflow from premises owned, operated or managed by the person to enter the public water supply system;
 - (v) fails to pay any fees required by this article;
 - (vi) allows water service discontinued or disconnected under this article to be reinstated in violation of this article or without prior approval by the managing director;
 - (vii) allows an unregistered tester to perform testing work at the person's premises or a premises or facility under the person's control or supervision;
 - (viii) tests a backflow prevention assembly within the Town without a valid registration from the Town;

- (ix) tests a backflow prevention assembly within the Town without a valid license issued by the TCEQ;
- (x) uses a nonapproved fire hydrant meter; or
- (xi) tests a fireline backflow device without a valid license as provided in the Texas Insurance Code, Chapter 6003 and in the Texas Administrative Code, 28 TAC Chapter 34, Subchapter G.
- (2) is the customer, owner, occupant, lessee, or manager of premises or facilities that are the source of a violation of this article; or
- (3) obstructs or delays the managing director's access to a customer's property or facilities.

(e) *Notice of Violation.*

- (1) The managing director may serve a written notice of violation on a person who has violated:
 - (i) the conditions of registration as a tester or CSI;
 - (ii) installation requirements of a backflow prevention assembly or device; or
 - (iii) any other requirement or provision in this article.
- (2) A BPAT or CSI inspector's registration may be suspended for up to twelve (12) months or may be revoked in connection with a notice of violation issued under this section.
- (3) A notice of violation issued under this section may be appealed in conformance with the administrative appeal procedures provided in this article. The filing of an appeal pursuant to this section shall not stay any enforcement proceedings available to the Town under this article.
- (4) The managing director may take any enforcement action without first issuing a notice of violation.

(f) *Liability.*

- (1) A person may be held liable for a violation of this article if the person:
 - (i) commits or assists in the commission of a violation;
 - (ii) is an authorized representative under this article; or
 - (iii) is the owner, occupant, tenant, manager, or water customer of premises, property or a facility that is the source of pollution or contamination of the potable or reclaimed water system in violation of this article.
- (2) A person who violates this article is liable to the Town for any expenses, loss, or damage incurred by the Town.

(g) *Termination of Service.*

- (1) The managing director may terminate water service in accordance with this subsection.
 - (i) The managing director may terminate water service if the customer, owner, tenant, lessee, or water customer does not correct a violation under this article within ten (10) business days after the person becomes aware of the violation.
 - (ii) The managing director may refuse or terminate water service if a backflow prevention assembly is not installed, certified for operation, repaired or replaced as required by this article.

- (iii) The managing director may terminate water service if a customer fails to terminate a connection between a potable water system and a reclaimed water system or an auxiliary water supply.
- (2) The managing director shall notify the customer of the proposed termination of water service in writing at least ten business days before the proposed termination. The customer may request a hearing on the proposed termination by filing a written request for a hearing with the managing director not more than 5 calendar days after receipt of notice of the proposed termination.
- (3) If water service is terminated, the managing director shall not reinstate water service until:
 - (i) The customer presents proof, satisfactory to the managing director, that the backflow condition or other violation has been eliminated and its cause determined and corrected; and
 - (ii) The customer reimburses the Town for all costs and expenses the Town will incur in reinstating service.

(h) *Emergency Suspension.*

- (1) The managing director may suspend water service and disconnect a private or public water system from the Town's public water system without a hearing if the managing director determines that an actual or potential contamination or pollution due to a cross connection:
 - (i) presents an imminent threat to the Town's public water system;
 - (ii) presents an imminent danger to public health or safety;
 - (iii) presents a threat to the environment; or
 - (iv) threatens to interfere with the operation of the Town's public water system.
- (2) A person notified of the suspension of the person's service shall immediately stop use of the Town's public water system water and the managing director shall disconnect the Town's public water system from the person's private or public water system.
- (3) If a person fails to immediately comply with an emergency suspension order, the managing director may take action the managing director determines is necessary to prevent contamination or pollution, or to minimize damage to the Town's public water system, the public, property, or the environment.
- (4) The managing director may take action under this section even if termination proceedings have been initiated under subsection (g) (*Termination of Service*).
- (5) A suspension under this section is not affected by evidence that the danger caused by the contamination or pollution due to a cross connection of the Town's public water system has ceased and a person commits an offense if the person, without the prior written approval of the managing director, reinstates water service to a premises for which water service has been suspended pursuant to this section.

(i) *Cumulative Remedies.* The remedies authorized under this article are cumulative unless specifically prohibited by state or federal regulation

(j) *Show Cause Hearing.*

- (1) The managing director may order a person responsible for a violation of this article or an enforcement order to appear before the managing director and show cause why a proposed enforcement action should not be taken.
- (2) The managing director shall serve notice of a show cause hearing to a person under this section that includes the following information:

- (i) the time and place for a hearing;
 - (ii) the nature of the violation;
 - (iii) the proposed enforcement action;
 - (iv) the reasons for the enforcement action; and
 - (v) a request that the person show cause why the proposed enforcement action should not be taken.
- (3) The managing director shall serve notice under this section in person or by certified mail, return receipt requested, no later than three (3) calendar days before the hearing. Notice may be served on an employee, agent or any other authorized representative of a person responsible for a violation.
 - (4) The managing director may take immediate enforcement action following the conclusion of a show cause hearing.

(k) *Administrative Appeals for BPAT and CSI Inspectors.*

- (1) A BPAT or CSI inspector may file an administrative appeal in conformance with the procedure set forth in this section for the following:
 - (i) the denial, suspension, or termination of a BPAT or CSI inspector's local registration; or
 - (ii) a notice of violation issued pursuant to section 82-97(e).
- (2) An appeal under this section must be filed in writing with the managing director not later than the fifth (5th) calendar day following the final decision being appealed. The appeal shall, at a minimum, include the following information:
 - (i) the name, address, phone number and email address of the person filing the appeal;
 - (ii) a brief statement identifying whether the person is currently registered with the Town as a BPAT or CSI inspector;
 - (iii) a brief description of the final decision being appealed, including the date, approximate time, and relevant circumstances related to the decision being appealed;
 - (iv) a description of the service location, premises, facilities, real property, and/or buildings, as applicable; and
 - (iii) a clear description of the requested relief.
- (3) Within five (5) business days from the date the appeal is filed the managing director will review the appeal to determine if the appeal meets the requirements of this section and will notify the person filing the appeal either (i) that the appeal has been accepted, or (ii) that the appeal is incomplete and will not be accepted until a completed appeal is filed.
- (4) Within ten (10) business days following the Town's notification of acceptance of an appeal, the managing director shall provide written notice of the date, time, and location of the hearing on the appeal.
- (5) The appeal shall be heard by the managing director. The appeal may be conducted in-person or via videoconference at the sole discretion of the managing director. The person filing the appeal shall be entitled to present evidence relevant to the subject matter of the appeal.

(l) *Compliance Order.*

- (1) If the managing director determines that a person has violated this article or an enforcement order, the managing director may issue an order to the person directing the person to correct the violation within a specified time period.

- (2) If a person does not comply within the time period provided, the managing director may disconnect water or wastewater service to the non-compliant premises until the person installs an operational facility, device, or equipment to correct the violation.
- (m) *Cease and Desist Order.* If the managing director determines that a person is violating this article or an enforcement order, or that a past violation committed by the person is likely to recur, the managing director may issue an order directing the person to:
 - (1) immediately cease and desist the violation;
 - (2) immediately comply with this article or an enforcement order; and
 - (3) take necessary remedial or preventive action to address a present, continuing, or threatened violation, including halting operation.

Sec. 82-98. – Penalty; Civil Remedies

- (a) *Criminal Penalty.* A person violating this article commits a Class C misdemeanor, punishable in accordance with Section 1-7 of the Code by a fine not to exceed \$2,000. Each occurrence of a violation of this article is a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.
- (b) *Civil Remedies.* The city attorney may enforce this article by injunction, declaratory relief, or other action at law or in equity. The city attorney may initiate a suit against the owner, occupant, tenant, manager, or water customer of the property or facility that is the source of a violation of this article, to recover a civil penalty not to exceed \$5,000 for each violation. Each day that a violation continues constitutes a separate violation.

Sec. 82-98.–82-105. – Reserved.”