

ORDINANCE NO. 2007-05-24

ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS; AMENDING CHAPTER 106, ARTICLE XI "CONTROL OF BACKFLOW AND CROSS-CONNECTIONS", SECTION 106-742 "REQUIREMENTS", OF THE CODE OF ORDINANCES FOR THE CITY OF NACOGDOCHES, TEXAS, PROVIDING A CONTINUATION CLAUSE; PROVIDING A REPEAL CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the City Council of the City of Nacogdoches has prioritized the integrity and safety of the City of Nacogdoches potable water system;

WHEREAS, the City Council has adopted ordinances deemed necessary for protection of the water system against contamination or pollution from facilities; and

WHEREAS, the City Council has determined the need to amend this section of the Utilities ordinances for clarification.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF NACOGDOCHES:

SECTION I

All above premises are hereby found to be true and correct legislative and factual findings.

SECTION II

Chapter 106, "Utilities," and specifically, ARTICLE XI, Section 106-742 of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 106-742. Requirements.

(a) No permanent water service connection to any premises identified as potential hazards in the Hazard Assessment and Assembly Selection Chart, set forth in subsection (l) below, shall be installed or maintained by the city unless the public water supply system is protected from potential or existing cross-connections by an approved backflow assembly appropriate to the degree of hazard. All multifamily and residential housing complex connections served by a master water meter are considered commercial connections for these requirements.

(b) All newly constructed or significantly renovated premises identified in the Hazard Assessment and Assembly Selection Chart shall be required to install the specified type of backflow assembly on customer's service line, as close as possible to the water meter, at customer's expense. In all cases, the backflow prevention assembly must be installed before the first water-use fixture and be in an above ground location easily accessible for inspection.

(c) Any premises identified in the Hazard Assessment and Assembly Selection Chart which was constructed before the date of this ordinance shall be required to have in-place or install an approved and tested backflow assembly on customer's service line, as close as possible to the water meter, at customer's expense. When a retrofit installation of a backflow assembly near the meter is determined by the official to be a traffic hazard or require significant reconstruction of the site, alternative locations may be approved for each assembly within the premises.

(d) Temporary water service connections for any use, including construction or special events, shall incorporate a backflow prevention device at or near the connection point and type and installation of the device must be approved by the official prior to activation.

(e) A customer service inspection (CSI) shall be performed by the city, a licensed customer service inspector, a licensed plumbing inspector, or a licensed water supply protection specialist prior to completing a service connection to city's public water supply. All areas identified in the CSI report as needing some form of cross-connection controls, shall be fully implemented or corrected before activating the water service connection. A follow up CSI report may be required by the official to verify all cross-connection issues have been resolved before activating the water service connection.

(f) Single family residential and two-family residential properties will require a customer service inspection upon completing all permitted construction activities, when a certificate of occupancy is required. Backflow prevention devices at the meter are not generally required except for irrigation system connections as described in section 106-698. If any unique or special hazards are identified by the official, backflow devices may be required at the connection point and also on other fixtures within the premises.

(g) Water service to any premises determined by the official to have a potential health hazard risk, shall be immediately discontinued by the city if a backflow prevention assembly required by this ordinance is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected. The city may at its option, install a backflow prevention device and bill the customer for labor and material costs of the work.

(h) All backflow assemblies or cross-connection devices shall be inspected and tested upon installation. Backflow prevention assemblies installed to provide protection against health hazards must also be tested and certified to be operating within specifications at

least annually by a backflow prevention assembly tester (BPAT), duly licensed by the State of Texas. Annual test reports shall be submitted by the BPAT directly to the city using an accepted delivery system as defined by the official. If the official deems a significant hazard or risk of contamination exists at a connection, he/she may require more frequent inspections and testing of the backflow device. Cost for testing, inspections, repairs, and filing all reports with the city, shall be the responsibility of the customer.

Backflow prevention devices used for temporary or construction connections must also be tested annually, but may be used at different connections without testing each time they are installed so long as the user can present a valid annual test report. The official may require testing of a backflow device any time if he/she suspects the device has been damaged or is not functioning properly.

(i) Any backflow prevention assembly required herein shall be a make, model and size approved by the official. An approved backflow prevention assembly shall mean an assembly manufactured in full conformance with standards established by AWWA/ANSI C510-2007 Standard for Double Check Valve Backflow Prevention Assemblies; AWWA/ANSI C511-2007 Standard for Reduced Pressure Principle Backflow Prevention Assemblies (or latest revision); and, have met all laboratory and field performance standards of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California (USC FCCCHR) established in the publication: Standards of Backflow Prevention Assemblies Chapter 10 of the most current edition of the Manual of Cross-Connection Control. Approval of a device shall be evidenced by a certificate of compliance for said AWWA standards or appearance of the specific model and size on the list of approved backflow prevention assemblies published by the USC FCCCHR. The recognition of alternate approved testing laboratories must be approved by the Official.

(j) The consumer's system shall be open for inspection at all reasonable times to authorized representatives of the city to determine whether unprotected cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the official shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until consumer has corrected the condition(s) in conformance with City of Nacogdoches' statutes relating to plumbing and water supplies and regulations adopted pursuant thereto.

(k) Any premises with a private auxiliary water supply shall be separated from the public water system by a physical air gap. Interconnections between the city's water system and other public systems will require an approved reduced pressure principle backflow prevention assembly.

(I) The type of protective assembly required under this section shall depend upon the degree of hazard as determined by the official. Typical cross-connection controls and backflow assemblies for various hazard conditions may be generally determined as follows:

Hazard Assessment and Assembly Selection Chart		
Premises Isolation: Description of Premises	Assessment of Hazard	Required Assembly
Aircraft and missile plants	Health	RPBA or AG
Animal feedlots	Health	RPBA or AG
Automotive plants	Health	RPBA or AG
Breweries	Health	RPBA or AG
Canneries, packing houses and rendering plants	Health	RPBA or AG
Commercial car wash facilities	Health	RPBA or AG
Commercial laundries	Health	RPBA or AG
Cold storage facilities	Health	RPBA or AG
Connection to sewer pipe	Health	AG
Dairies	Health	RPBA or AG
Docks and dockside facilities	Health	RPBA or AG
Dye works	Health	RPBA or AG
Food and beverage processing plants	Health	RPBA or AG
Hospitals, morgues, mortuaries, medical clinics, dental clinics, veterinary clinics, autopsy facilities, sanitariums, and medical labs	Health	RPBA or AG
Metal manufacturing, cleaning, processing, and fabrication plants	Health	RPBA or AG
Microchip fabrication facilities	Health	RPBA or AG
Paper and paper products plants	Health	RPBA or AG
Petroleum processing or storage facilities	Health	RPBA or AG

Photo and film processing labs	Health	RPBA or AG
Plants using radioactive material	Health	RPBA or AG
Plating or chemical plants	Health	RPBA or AG
Pleasure-boat marinas	Health	RPBA or AG
Private/Individual/Unmonitored Wells	Health	RPBA or AG
Reclaimed water systems	Health	RPBA or AG
Restricted, classified or other closed facilities	Health	RPBA or AG
Rubber plants	Health	RPBA or AG
Sewage lift stations	Health	RPBA or AG
Sewage treatment plants	Health	RPBA or AG
Slaughter houses	Health	RPBA or AG
Steam plants	Health	RPBA or AG
Tall buildings or elevation differences where the highest outlet is 80 feet or more above the meter	Non-health	DCVA
** Multifamily/Residential Housing Complex	Non-health	RPBA

Internal Protection: Description of Cross Connection	Assessment of Hazard	Required Assembly
Aspirators	Non-health†	AVB
Aspirator (medical)	Health	AVB or PVB
Autoclaves	Health	RPBA
Autopsy and mortuary equipment	Health	AVB or PVB
Bedpan washers	Health	AVB or PVB
Connection to industrial fluid systems	Health	RPBA
Connection to plating tanks	Health	RPBA
Connection to salt-water cooling systems	Health	RPBA

Connection to sewer pipe	Health	AG
Cooling towers with chemical additives	Health	AG
Cuspidors	Health	AVB or PVB
Degreasing equipment	Non-health†	DCVA
Domestic space-heating boiler	Non-health†	RPBA
Dye vats or machines	Health	RPBA
Fire-fighting system (toxic liquid foam concentrates)	Health	RPBA
Flexible shower heads	Non-health†	AVB or PVB
Heating equipment		
Commercial	Non-health†	RPBA
Domestic	Non-health†	DCVA
Hose bibbs	Non-health†	AVB
Irrigation systems		
with chemical additives	Health	RPBA
without chemical additives	Non-health†	DCVA, AVB, or PVB
Kitchen equipment—Commercial	Non-health*	AVB
Lab bench equipment	Health or Non-health*	AVB or PVB
Ornamental fountains	Health	AVB or PVB
Swimming pools		
Private	Non-health*	PVB or AG
Public	Non-health*	RPBA or AG
Sewage pump	Health	AG
Sewage ejectors	Health	AG
Shampoo basins	Non-health†	AVB

Specimen tanks	Health	AVB or PVB
Steam generators	Non-health†	RPBA
Steam tables	Non-health†	AVB
Sterilizers	Health	RPBA
Tank vats or other vessels containing toxic substances	Health	RPBA
Trap primers	Health	AG
Vending machines	Non-health†	RPBA or PVB
Watering troughs	Health	AG or PVB

AG = air gap; AVB = atmospheric vacuum breaker; DCVA = double check valve backflow prevention assembly; PVB = pressure vacuum breaker; RPBA = reduced-pressure principle backflow prevention assembly;

AVBs and PVBs may be used to isolate health hazards under certain conditions, that is, back-siphonage situations. Additional area of premises isolation may be required.

† Where a greater hazard exists (due to toxicity or other potential health impact) additional area protection with RPBA's is required.

** City requirement.

(m) All backflow prevention assemblies which do not meet requirements of this section but were approved devices for purposes described herein at the time of installation and have been properly maintained, shall, except for field testing and maintenance requirements under section 106-741(h), be excluded from requirements of these rules so long as the official believes they will satisfactorily protect the city's public water system. Whenever an existing device is moved from the present location or requires more than minimum maintenance, or when the official finds that the condition of the device poses a risk to public health, the unit shall be replaced by an approved backflow prevention assembly meeting requirements of this section.

(n) Buildings, equipment, or other facilities constructed, purchased, installed, and approved for occupancy or use prior to this ordinance that do not incorporate necessary controls for cross connection prevention, are not considered "grandfathered" and must comply with requirements of this ordinance.

(Ord. No. 1794-03-19, § II, 3-5-2019)

SECTION III

Severability. If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be held to be invalid or unconstitutional, such holding shall in no way affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end provisions of this Ordinance are declared to be severable.

SECTION IV

Continuation. All provisions of Chapter 106 of the Code of Ordinances existing prior to the date of passage of this Ordinance remain in full force and effect.

SECTION V

Repeal. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Nacogdoches, and this Ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with provisions of this Ordinance, in which such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION VI

Effective Date. This Ordinance shall take effect ten (10) days from its passage and publication as may be required by governing law.

SECTION VII

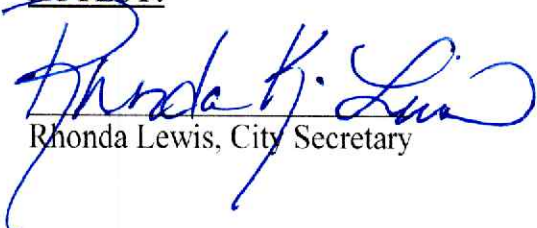
Proper Notice & Open Meeting. It is hereby officially found and determined the meeting at which this Ordinance was passed was open to the public as required and public notice of time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VIII

Official Public Records. The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches.

PASSED AND APPROVED this the 5th day of March 2024, by a vote of 5 (ayes) to 0 (nays) of the City Council of the City of Nacogdoches.

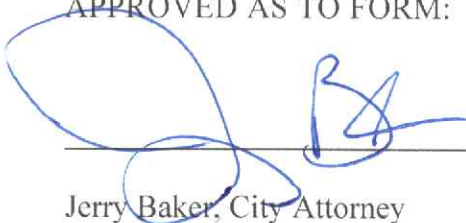
ATTEST:


Rhonda Lewis, City Secretary

CITY OF NACOGDOCHES

BY: 
Randy Johnson, Mayor

APPROVED AS TO FORM:



Jerry Baker, City Attorney

APPROVED AS TO CONTENT:



Case Opperman, Director of Public Works
and City Engineer