ORDINANCE NO. 2086

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALICE, TEXAS, AMENDING CHAPTER 18 – BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES OF ALICE, TEXAS, BY ADDING A NEW ARTICLE IX TO BE ENTITLED, "CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION," PROVIDING A REPEALER CLAUSE, SEVERABILITY CLAUSE, SAVINGS CLAUSE, EFFECTIVE DATE, ESTABLISHING PENALTIES FOR THE VIOLATION OF THESE RESTRICTIONS AND PROVISIONS FOR THEIR ENFORCEMENT, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Title 30 of the Texas Administrative Code (30 TAC), Chapter 290, prohibits Public Water Systems (PWSs) from connecting to an actual or potential contamination hazard without first protecting the potable-water supply; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) rules require Public Water Systems (PWSs) to Adopt a plumbing ordinance, regulations or service agreements; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) rules require Public Water Systems (PWSs) to Require Customer Service Inspections; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) rules require Public Water Systems (PWSs) to Require backflow protection using appropriate backflow prevention assemblies; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) rules require Public Water Systems (PWSs) to Require those assemblies to be tested to ensure that they are working correctly; and

WHEREAS, The City Council of the City of Alice, Texas wishes to amend Chapter 18 – Buildings and Building Regulations by adding a new article (IX), to be entitled, "Cross Connection Control and Backflow Prevention;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALICE, TEXAS, THAT:

Section One: **Findings of Fact.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section Two: That Chapter 18 of the Code of Ordinances of the City of Alice, Texas, is hereby amended to add a new section, Article IX Cross Connection Control and Backflow Prevention, such section to read as follows:

CITY OF ALICE MUNICIPAL CODES

CHAPTER 18 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE IX.

CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION

SECTIONS

DIVISION 1. - GENERALLY
DIVISION 2. - AUTHORITY AND RESPONSIBILITY
DIVISION 3. - STANDARDS AND REQUIREMENTS
DIVISION 4. - PROCEDURES

DIVISION 1. GENERALLY

Sec. 18-392 Purpose.

The purpose of this article is to:

(1) Protect the city potable water system from contamination or pollution by preventing contaminants and pollutants within the water systems of customers from entering the city water system.

(2) Provide for the maintenance of a continuing program of cross connection control by requiring the installation of approved backflow prevention assemblies, as required by the plumbing code, requiring the certification and operational testing of all testable backflow prevention assemblies.

(3) Comply with federal regulations related to cross-connections and backflow prevention, including without limitation, those of the Occupational Safety and Health Administration and the Environmental Protection Agency.

(4) Comply with state regulations related to cross-connections and backflow prevention, including, without limitation, those of the Texas Commission on Environmental Quality.

Sec. 18-393 Applicability.

This article applies to all connections to the city potable water system, and to all installations of backflow prevention assemblies related to the city's potable water system, regardless of whether the connection or assembly is located within the city limits of Alice or in the city's water service area, and regardless of whether the connection or assembly is for a retail, wholesale, or other customer or user of the city potable water supply system.

Sec. 18-394 Definitions.

Air gap separation means a physical separation between the free flowing discharge end of a city water system pipeline and an open or unpressurized receiving line or vessel.

Approved assembly is a backflow prevention assembly that has been approved, manufactured, tested and approved in accordance with the standards adopted by the AWWA, or approved and listed by the University of Southern California Foundation for Cross Connection Control and Hydraulic Research.

Auxiliary water supply means any water supply on or available to a customer's premises from a source other than directly through the city water supply. Auxiliary water supplies include all of the following:

(1) Water from another public water system.

(2) Water from a natural source, such as a well, spring, pond, river or creek.

(3) Any water supplied by a public water system, including the city water system, that has passed through a point of delivery and is no longer controlled by the public water system.

AWWA means American Water Works Association.

Backflow means the reversal of flow of water and/or mixtures of water and other liquids, gases, or other substances from a customer's side of the service connection into the city water system. Backflow may occur under either a backpressure or back siphonage condition.

Backflow prevention assembly or assemblies means a device or aggregation of devices designed to prevent backflow, including reduced pressure backflow assemblies, double check valve assemblies, atmospheric vacuum breakers, pressure vacuum breaker assemblies or an air gap.

Backpressure means any situation where the pressure in a customer's system is higher than in the city water system.

Back siphonage occurs when the pressure in the public water system becomes less than that of the customer's system due to a vacuum in the public system.

Building official means the City Inspector for the City of Alice and/or any other designee of the City Manager of the City of Alice.

Bypass means a connection from the city side of a backflow prevention assembly to the customer side of the assembly for the purpose of diverting the water around the assembly while it is being repaired or replaced.

Certified backflow prevention assembly tester or certified tester means a person who has received certification as a backflow prevention assembly tester from the TCEQ by successfully completing a TCEQ-approved certification school.

Check valve means a valve that seats readily and completely to cease the flow of water.

City water system means the entire potable water distribution system of the city, including, without limitation, all pipes, facilities, valves, pumps, conduits, tanks, receptacles and fixtures and appurtenances between the water supply source and the point of delivery, used by the city to produce, convey, deliver, measure, treat or store potable water for public consumption or use.

Contamination means the presence of any foreign substance (organic, inorganic, radiological or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water. Contamination includes both hazardous contaminants and pollutants.

Cross connection means any physical connection between the city water system and another water system or source, through which backflow, back pressure or aspiration may occur.

Customer means any person that is supplied potable water by or through the city water system, including, without limitation, retail and wholesale customers and persons using a portion of the city water system for water transmission purposes.

Customer's system means the entire plumbing system, including all pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey, store or utilize potable water between the point of delivery and the customer's point of use.

Director means the director of the city department charged with administration of the program, or any other designee(s) of the City Manager of the City of Alice.

Hazardous contaminant means any form of contamination that poses a health hazard with respect to the use of water for drinking or other domestic purposes.

Plumbing code means the current version of the plumbing code adopted by the City of Alice.

Point of delivery means the point at which water leaves the city water system and enters a customer's system at or near the property line or the edge of an easement. When a water meter is installed on or near the property line or edge of an easement, the "point of delivery" is the terminal end on the discharge side of the water meter.

Pollutant means a substance that impairs the quality of water in a manner or to a degree that does not create a hazard to public health, but may adversely affect the aesthetic qualities of the water for domestic use.

Potable water means water that complies with TCEQ rules for drinking water and other domestic uses.

Service connection means the terminal end of a service connection from the city water system, i.e., where the city loses jurisdiction and sanitary control over the water at the point of delivery to the customer. If a meter is installed at the point of delivery, the "service connection" means the point at which the terminal end on the discharge side of the water meter connects to the customer's system.

TCEQ means the Texas Commission on Environmental Quality or its predecessor or successor agencies.

Conflicts with other ordinances.

If there is a conflict between a provision of this article and the plumbing code or any other provision of this Code, the most restrictive provision will apply.

DIVISION 2. - AUTHORITY AND RESPONSIBILITY

Sec. 18-395 Director.

(a) The director is responsible for enforcing the requirements of this article with respect to connections made to the city water system.

(b) To ensure adequate protection in individual cases, the director may assess and determine the degree of hazard to the public potable water system posed in the case of individual connections, customers or users.

(c) When the director determines that a backflow prevention assembly is required for the protection of the city water system, the director will require the customer, at the customer's expense, to properly install an approved assembly at each service connection or hazard point.

(d) The director will make periodic inspections to verify that proper records of the installation and maintenance of backflow prevention assemblies are maintained by customers in accordance with this article.

(e) The director may refuse to initiate service, or may discontinue service to any customer that maintains an actual or potential sanitary hazard in the customer's system, or whose plumbing is susceptible to cross connections, where the director determines that adequate protection against backflow is not provided.

Sec. 18-396 Authority of building official.

(a) The building official, designated by the City Manager of the City of Alice, is responsible for enforcing all provisions of the plumbing code pertaining to cross connections, i.e., proper installation of each customer's system, including the connection to the city water system.

(b) The building official will coordinate all building permit approvals to ensure compliance with this article.

(c) The building official will appoint a representative to serve as administrator of records and file keeping of customer service inspections (CSIs) and keep updated a master spreadsheet of BFPs
in the City of Alice city limits.

Sec. 18-397 Cross connection control committee.

(a) A cross connection control committee is hereby established. The committee will consist of one representative each from the water and wastewater department, health department, building inspections division, and fire marshal's office, among other key city personnel as otherwise determined by the City Manager of the City of Alice.

(b) The cross connection control committee will serve as an advisory body to the director and the building official on matters related to the administration, interpretation and enforcement of this article.

Sec. 18-398 Certified backflow prevention assembly testers.

(a) **Registration of testers**. Each person who wishes to perform services as a certified tester for a city water system customer must submit a completed registration form to the director annually, and must furnish evidence to show that the person has available the necessary tools and equipment to properly test backflow prevention assemblies. The director will refuse to accept test results or other performance of services by a certified tester if the tester is not currently registered with the director. If a tester is a representative of an equipment manufacturer, the tester will be restricted to testing assemblies produced by the manufacturer they represent. The director will maintain a current list of approved testers, and will make this list available to customers upon request. Each certified tester must renew the registration with the director every year. The director may suspend or remove a certified tester from the current registration list for improper testing or reporting.

(b) **Testing equipment**. The certified tester must be equipped with and competent to use all the necessary tools, gauges, manometers and other equipment necessary to properly test, repair and maintain backflow prevention assemblies. The certified tester must furnish the city with the serial number of the tester's test kit, and the tester's test gauge must be tested when purchased and annually thereafter, or more frequently as required by the director. The certified tester must maintain the test gauge to a ± two per cent accuracy.

(c) **Responsibility of certified tester.** When employed by a customer, the certified tester is responsible for the testing of the customer's backflow prevention assemblies. The tester is responsible for the competency and accuracy of all tests and reports performed or submitted by the tester, and for all work done by any persons under the tester.

(d) **Immediate reports by certified tester.** If a backflow prevention assembly test fails, or an assembly malfunctions, the certified tester must immediately notify the director and the customer in writing, and the tester must take all reasonable steps, including the cessation of water service through the assembly, to prevent the contamination of the city water system.

(e) **Inspection and repair.** Each customer, when repairing or overhauling backflow prevention assemblies must use a licensed plumber who is a certified tester. The certified tester will make reports of the repair to the customer and the director on the TCEQ approved test and maintenance report form provided by the director. The certified tester must include in the report a list of materials or replacement parts used. The tester must ensure that parts recommended by the manufacturer of the assembly or device being repaired are used in the repair or replacement of parts in the assembly or device.

(f) Procedure and equipment. It is unlawful for a certified tester to change the design, material, or operational characteristics of a backflow prevention assembly during repair or maintenance without prior approval of the director. All work performed by a certified tester's assistants must be performed in the tester's presence, and the tester is responsible for all such work.

Sec. 18-399. Responsibilities of customers.

(a) Each customer has the primary responsibility of preventing contaminants from entering the customer's system or the city water system. This responsibility starts at the point of delivery, and includes the customer's complete internal water system.

(b) Each customer, as a condition of providing water service, must allow city water and wastewater department personnel access to the customer's property to inspect and survey the customer's system for potential contamination and backflow hazards.

(c) The customer, at the customer's expense, must install, operate, test and maintain approved assemblies as required by this article. After any repair or overhaul of an assembly, the customer must have it tested by a certified tester to ensure it is in proper operating condition. A customer must apply for and obtain a permit from the director or the building official for the re-piping or relocation of a backflow prevention assembly. Upon completion of any such work, the customer must have the assembly retested by a certified tester. The customer must maintain accurate TCEQ approved test and maintenance report forms for all tests and repairs made to backflow prevention assemblies, and must provide the director with originals of these reports on request.

DIVISION 3. - STANDARDS AND REQUIREMENTS

Sec. 18-400. General requirements.

(a) The TCEQ Rules and Regulations for Public Water Systems, as amended from time to time, will govern the design, construction, operation and maintenance of the city water system with respect to cross connection control and backflow prevention. Each customer must comply with all applicable provisions of these rules and regulations.

(b) It is unlawful for a customer to cause or allow water from an auxiliary water supply to enter the city water system.

(c) It is unlawful for a person to make a connection from the city water system to a customer's system where an actual or potential contamination hazard to the city water system exists and there is no air gap separation between the drinking water supply and the source of potential contamination. Where a containment air gap is impractical and, instead, an individual internal air gap or mechanical backflow prevention assembly is used, a backflow prevention assembly will be required at the service connection in accordance with AWWA Standards C510 and C511, and AWWA Manual M14, on those establishments handling substances deleterious or hazardous to the public health. This requirement does not apply if the customer maintains an adequate cross- connection control program that includes an annual inspection by a certified tester.

(d) It is unlawful for a person to make any connection from the city water system to any condensing, cooling or industrial process or any other system of nonpotable usage over which city water system officials do not have sanitary control, in a manner that does not fully comply with the requirements of subsection (c) above. It is unlawful for any person to cause or permit backflow from any such process to the city water system.

(e) All backflow prevention assemblies must be tested upon installation by a certified tester, and must be certified to be operating within specifications. Backflow prevention assemblies which
are installed must provide protection against hazardous contaminants and must also be tested and certified to be operating within specifications at least annually. This must be completed only by a certified tester.

(f) Gauges used in the testing of backflow prevention assemblies must be tested for accuracy annually in accordance with this article. Each certified tester that performs tests related to the city water system must include test gauge serial numbers on all test and maintenance report forms to verify that the tester uses gauges tested for accuracy. All test and maintenance report forms must be submitted to the City of Alice.

(g) A test report must be completed by the certified backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the city for record keeping purposes. If the tester chooses to use a report which differs from the TCEQ form, it must contain at least all of the information required by the TCEQ form.

(h) Each certified backflow prevention assembly tester that performs tests related to the city water system must retain all test and maintenance reports for at least three years, and must make the reports related to the city water system available to the director at the director's written request.

(i) The use of a backflow prevention assembly at a service connection will be considered additional backflow prevention, and will not negate the need for use of backflow prevention on internal hazards as defined in this article or the plumbing code.

(j) It is unlawful for a customer to install, or to cause or permit the installation of, a bypass that has not been approved in advance by the director. All bypasses on backflow prevention assemblies must themselves include provisions for backflow prevention as described in this article.

Sec. 18-401. Types of backflow prevention.

(a) Air gap separation or A/G. An air gap installation separating the city water system from the customer's system is acceptable in all situations listed in this article as long as it is properly maintained. Since air gap installation separations are easily eliminated or bypassed, the director may perform field surveys and require the additional protection of a mechanical backflow prevention assembly. The air gap separation must be located as close as practical to the city water meter, and normally all piping between the meter and the receiving tank must be entirely visible. An approved air-gap separation must be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel, but in no case less than one inch (2.54 cm).

(b) Atmospheric vacuum breaker or AVB. This is a device consisting of a float check, a check seat, and an air inlet port. A shutoff valve immediately upstream may be an integral part of the device. The AVB is designed to allow air to enter the downstream water line to prevent back siphonage. This unit must never be subjected to a back pressure condition or have a downstream shutoff valve, and must not be installed where it will be in continuous operation for more than 12 hours.

(c) Check valve. Each check valve must be carefully machined to save free moving parts and assure water tightness, permitting no leakage in a direction reverse to the normal flow. The valve must be weighted or spring loaded to one pound per square inch in the direction of the flow. The face of the closure element and valve seat must be of bronze composition or other non-corrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings must be of bronze or other non-corrodible, non-sticking material, machined for easy, dependable operation. The closure element, normally referred to as a clapper, must be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

(d) Double check valve assembly or DCVA. This is an assembly composed of two independently acting, approved check valves, including tightly closing resilient-seated shutoff valves located at each end of the assembly, and fitted with properly located resilient-seated test cocks.

(e) Double check detector assembly or DCDA. This is a specially designed assembly composed of a line-sized approved double check valve assembly with a bypass containing a specific water meter and an approved double check valve assembly. The meter in a DCDA must register in units of gallons per minute and must register accurately for only very low rates of flow (less than three gallons per minute). It must also register all rates of flow. This assembly must only be used to protect against a pollutant. The DCDA is primarily used on fire line systems.

(f) Reduced pressure backflow prevention assembly or R/P. This is a device consisting of two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves and are fitted with properly located resilient seated test cogs.

(g) Reduced pressure detector backflow assembly or RPDA. This is a specifically designed assembly composed of a line sized reduced pressure valve assembly with a bypass containing a specific water meter and an approved reduced pressure valve assembly. The meter in a RPDA must register in units of gallons per minute and must register accurately for only very low rates
of flow (less than three gallons per minute). It must also measure all rates of flow. This assembly shall be used to protect against a health hazard (i.e. contaminant). The RPDA is primarily used for private on-site fire systems.

Sec. 18-402. Types of backflow prevention required.

(a) The degree of protection and the type of protection deemed necessary to prevent backflow and possible contamination of the city water system are outlined in this section. Cross connections vary widely in degree of contamination hazard. Backflow may occur under many different pressure differentials, varying from vacuum to very high pressures. The protection afforded by a backflow prevention assembly depends upon its type, the circumstances in which it is installed, and on its proper installation, testing and maintenance.

(b) Criteria for selection of backflow prevention assemblies. The selection of an appropriate backflow prevention assembly depends upon the degree of hazard involved and will be based on the following criteria:

(1) Whether or not the assembly could ever be subject to backpressure due to the customer's internal pumping pressures or elevation differentials.

(2) The nature of contaminating material under the most critical circumstances.

(3) The extent to which additions may be made to the plumbing system at a later date which would affect the initial selection of the assembly.

(4) The frequency with which a water supply could be exposed to a hazardous condition.

(5) The degree of protection of the water supply as provided by the local plumbing code as enforced by the building inspections division.

(c) Decisions on selection of backflow prevention assembly. The director, acting either personally or through a representative, will have the final approval authority over the type of backflow prevention assembly to be used in each individual case. The director may, in making this decision, obtain the advice and recommendation of the cross connection control committee.

(d) All types of establishments listed below must provide for the containment of contamination within their premises, either by an air gap separation between the meter and the first tap or tee, or by having each of the internal plumbing facilities properly air gapped. If the containment air gap separation is impractical, and reliance is placed instead on individual internal air gaps or vacuum breakers in a customer's system, the director may require additional protection in the form of either an R/P assembly, for customers handling hazardous contaminants, or a D/C assembly, for customers handling pollutants.

(e) In some instances, the director may require a customer to use total containment backflow prevention or to allow the backflow prevention assembly to be installed on an internal branch line. An example of this would be for a combination fire and domestic water service from the city water supply. The backflow prevention for the domestic use would be installed immediately after the fire line tee. In such a case, the fire line must be provided with its own separate backflow prevention.

(f) Type of device or assembly required.
A/G Air Gap Separation
RPDA Reduced Pressure Detector Assembly
R/P Reduced Pressure Backflow Prevention Assembly
D/C Double Check Valve
Assembly DCDA Double
Check Detector Assembly
PTVB Pressure Type Vacuum
Breaker AVBAtmospheric
Vacuum Breaker

Type of Use	Device or Assembly Required
Aircraft hangers	D/C
Aircraft and missile plants	R/P or A/G
Aircraft repair facilities	R/P
Animal feedlots	R/P
Automotive plants	R/P or A/G
Automotive repairs	RP
Auxiliary water supply	R/P
Breweries	R/P
Canneries, packing houses and rendering plants	R/P
Cold storage facilities	R/P
Commercial car wash	R/P
Commercial laundry and dry cleaning facilities (dry cleaners, hotels)	R/P
Connection to sewer pipe	AG
Dairies	R/P
Dye works	R/P
Facilities with onsite carbonation units	D/C
Facilities with onsite cooling/chiller/boiler systems	R/P
Fire line (with chemical additive)	RPDA
Fire line	DCDA
Fire line—Combination with domestic water service	D/C
Food and beverage processing/packing plant	R/P
Greenhouse (with chemical)	R/P
Greenhouse (without chemical feed)	D/C
Hospitals, morgues, mortuaries, medical clinics, autopsy facilities, sanitariums, and medical labs	R/P
Ice plants	R/P
Irrigation system	D/C or PTVB
Irrigation system (with fertilizer injector)	R/P
Irrigation systems (onsite sewage facility)	R/P
Laboratory—Chemical or clinical	R/P
Metal manufacturing, cleaning, processing and fabrication plants	R/P
Microchip fabrication facilities	R/P
Paper and paper products plants	R/P
Petroleum processes and storage plant	R/P
Photo and film processing labs	R/P
Plants using radioactive material	R/P
Plating or chemical plant	R/P

Power plant	R/P
Private individual/unmonitored well	A/G or R/P
Reclaimed water systems	R/P
Restaurants	D/C
Restricted, classified or other closed facilities	R/P
Rubber plants	R/P
RV parks	R/P
Sewage lift stations	R/P or A/G
Sewage treatment plants	R/P or A/G
Slaughter houses	R/P
Steam plants	R/P
Stock yard	R/P
Schools—Colleges, universities, high schools, intermediate schools, middle schools (elementary schools — individual review)	R/P
Swimming pools/hot tubs—Public	R/P
Swimming pools—Residential	PTVB or A/G
Tall buildings or elevation differences where the highest outlet is 80 feet or more above the meter	D/C
Transportation terminal	R/P

Uses not listed in this table may require backflow prevention through air gaps or backflow prevention assemblies depending on the nature of the use, the equipment and the plumbing system. These will be determined on an individual basis by the director.

(g) Auxiliary water supplies. Where a customer is served by an auxiliary water supply in addition to the city water system, all applicable TCEQ regulations must be followed, and the director will determine the type of backflow prevention assembly to be used.

(h) Backflow prevention for fire lines.

(1) Backflow prevention is required on all fire line installations. The type and extent of backflow prevention needed for a particular fire protection system is subject to approval by the director. Devices currently installed and not the correct assembly as required by applicable City of Alice ordinances and construction standards that fail a test report shall require a complete replacement of the device to meet the ordinance requirements and construction standards. Pressure losses across backflow prevention assemblies must be accommodated in the design or redesign of a fire protection system. This factor is particularly important when redesigning existing fire protection systems. All backflow prevention assemblies for fire line installations must be Underwriters Laboratory listed.

(2) Backflow prevention requirements for fire lines:

Type of Fire line	Device or Assembly
Fire line with no chemical additive and no additional water supply	DCDA
Fire line with fire hydrant - no chemical additive and no additional water supply — less than 100' total piping from the fire line tap valve **DCDA** (Standard Drawing DD-40-35 thru DD-40-36; vault detail standard drawing DD-30-05)	
Fire line utilizing a pressure pump system	A/G or RPDA
Fire protection system utilizing chemical additives*	A/G or RPDA
Fire protection system with access to an auxiliary water supply**	A/G or RPDA

*Systems with chemical loops and/or foam injection will require a reduced pressure principle detector backflow prevention assembly at the loop or foam injection point; however, an expansion chamber or relief valve will have to be installed to compensate for thermal expansion in accordance with the fire code. The installation of reduced pressure principle detector assemblies for containment backflow prevention on fire lines should be avoided and installed only in situations where chemical injection occurs prior to any taps or tees.

** Existing chemical loops and systems with access to an auxiliary water supply must be retrofitted with an approved assembly.

(3) Tri-water system or circulated closed-loop systems, such as a combination fire line, heating and cooling system, are prohibited.

(4) Full-flow testing or assembly tear-down requirements for fire lines. Backflow prevention assemblies installed on fire lines must either be full-flow tested at least once each five years, or must be completely torn down and rebuilt at least once each five years if full-flow testing cannot be accomplished. The assembly must be cleaned and all rubber parts replaced when deemed necessary by the certified tester or the assembly manufacturer. Assemblies must be tagged by the tester to indicate the tear-down date. If within a five-year period, an assembly is torn-down, a new five-year tear-down period will begin at that time. If a backflow prevention assembly is found to be malfunctioning in an annual testing process, the assembly must be completely torn- down and rebuilt at that time. The director will track individual assemblies to ensure compliance with these requirements.

(5) Test and maintenance report form for fire line backflow prevention assemblies. Test and maintenance report forms used by fire line testers must include confirmation that the system has been placed back in operation upon completion of a test. Additionally, these forms must include an indication by the tester of whether a flow test was performed on an

assembly within the previous twelve (12) months as established in NFPA 25 Section 9.6.2.2. The tester will attach full-flow documentation to the form when submitted to the director.

(6) Single check valve. The single check valve is not considered to be an approved assembly, and will be used only in limited instances such as for directional flow control.

DIVISION 4. - PROCEDURES

Sec. 18-403. In general.

(a) The procedures outlined in this division are based on the principle of containment of all actual and potential contamination hazards within the customer's system.

(b) A customer may request approval from the director for a proposed deviation from or exception to the standards in this article. The director may approve a deviation or exception only if it does not involve a significant risk of increased contamination to the city water system.

(c) If a customer refuses to allow access to water and wastewater department representatives for an inspection or a water use survey, the director may either refuse or discontinue the customer's water service or assume that a high contamination hazard exists, and therefore require the highest degree of protection on the customer's system.

Sec. 18-404. New facilities.

(a) All new facilities are required to comply with the requirements of this article. Compliance by a new city water system customer with the requirements for installation of one or more backflow prevention assemblies will be verified in conjunction with the customer's application for water service, or with the customer's building and plumbing permits.

(b) The director may require field inspection of the customer's premises, in addition to plan submittal and review, to determine the actual or potential hazards and backflow prevention assembly requirements.

(c) All mechanical layouts or building plans submitted to the building inspections division will be reviewed to assure compliance with the requirements of this article and the plumbing code. All mechanical layouts or plans will be stamped by the building inspections division to indicate that containment backflow prevention may be required, and contact must be made with the director for a determination.

(d) A new customer's application for water service must be accompanied by a mechanical layout or plan for all proposed structures to be connected to the city water system, showing or describing all plumbing arrangements and indicating the proposed type and size of backflow prevention assemblies to be installed. This information will be routed through the director to ensure compliance with the provisions of this article. Upon installation and

testing of the approved assembly or air gap arrangement, the director will make a record of the installation.

(e) Customer service inspections. In accordance with TCEQ's Rules, the director will require a customer service inspection certification in all of the following:

(1) Prior to providing continuous water service to new construction;

(2) On any existing service when the water purveyor has reason to believe that cross connections or other unacceptable plumbing practices exist; and

(3) After any substantial improvement, alteration, correction, or addition to a customer's system.

Sec 18-405. Existing facilities.

(a) **Inspection procedure**. The director will inspect the existing facilities of all city water system customers of the types listed in this article that do not have a record of backflow prevention assembly installation on file in the water and wastewater department. After the inspection is completed, the director will provide a written notice to the customer advising of the backflow prevention assembly requirements for the customer's system.

(b) **Building inspections**—Plan review. Plans submitted to the building inspections division for approval of plumbing modifications, or additions to an existing plumbing system, will be reviewed by the director to determine the type of backflow prevention method or assembly required for the entire establishment. The method and type of assembly required will be noted on the plans.

Sec. 18-406. Records and tests.

(a) In order to assure that backflow prevention assemblies continue to operate satisfactorily, each customer that is required to use an assembly is required to have periodic testing of the assembly performed in accordance with this section. All assemblies must be tested at the time of installation, and at the time of any repair or relocation. All tests and repairs must be performed
by a certified tester. The tester must complete a test and maintenance report form and submit the form to the director. It will be the responsibility of the customer to initiate the testing and any maintenance determined by the test to be necessary, and to submit written results to the director.

(b) Time schedule. All assemblies must be tested in accordance with the following schedule*:

Reduced pressure principle assembly	Annually
Double check assembly	Annually **
Double check detector assembly	Annually
Pressure type vacuum breaker	Annually **
Atmospheric vacuum breaker	Annually

*The director may require devices to be tested at more frequent intervals based upon imminent public health and safety hazards presented.

** For Residential Irrigation: All backflow devices must be tested upon installation, or at the latest before the irrigation system is placed into service; and upon repair.

(c) **Testing by city.** City personnel may perform periodic tests on assemblies at random locations to ensure that acceptable test standards are being followed by certified testers. City personnel may also randomly select and tag assemblies in a manner that will determine if the assemblies have been tested as required.

Sec. 18-407. Costs.

All costs associated with compliance with this article, including purchase, installation, testing, maintenance, repair and replacement are to be borne by the customer. Advisory assistance may be requested from the water and wastewater department and building inspection divisions without charge.

Sec. 18-408. Disconnection.

Failure, refusal or inability on the part of a customer or user to comply with any provision of this article will constitute grounds for the city to refuse to provide or to discontinue water service.

Sec. 18-409. Enforcement.

(a) Violations. It shall be unlawful for any person to intentionally, knowingly, recklessly, or with criminal negligence allow or cause any cross connection to the city potable water system, or to allow protection assemblies to be or remain untested, in a state of disrepair or in a condition not meeting the standards as described in this article, or to allow or cause any violation of any provision or restriction of this article.

(b) Violation remedied. It is not a defense to prosecution under any provision of this article that the violation charged is no longer occurring or no longer exists.

(c) Continuing violations. Each violation of a particular provision of this article shall constitute a separate offense, and for each day a violation occurs or continues it shall be considered a new offense.

(d) Civil enforcement. The director may seek civil penalties and any other legal or equitable relief available under common law, Local Government Code, or any other applicable city, state or federal code or statute for violations of this article.

(e) Civil penalties. At the option of the director, for each violation of this article, a civil notice of violation may be issued. The notice of violation shall set forth the details of the violation and the proposed penalty. Possible penalties, to be assessed at the discretion of the director, shall include the following:

1. Disconnection of services

2. Up to $1,000 civil fine for each offense, plus all costs related thereto.

(f) Civil penalties may be assessed by mailing, certified mail, a notice of violation to the person who is the registered water user or customer at the address where the violation occurred. A notice of violation may also be hand delivered to a person accepting responsibility for the premises where the alleged violation occurred.

(g) The registered user, customer or other person receiving a notice of violation, shall be given ten calendar days from the receipt of a notice of violation to file a written notice to the director requesting an appeal of the determination of a violation in the notice. If an appeal is not requested within the ten-day period, the notice of violation becomes final, and the stated penalty shall be immediately due and payable.

(h) If the director receives a request for an appeal, the request will be forwarded to the municipal court of record where, following notice of the date, time and location of the hearing, a hearing on the appeal will be conducted.

(i) An appeal hearing will be conducted in the same manner as a bench trial for a Class C misdemeanor. At the conclusion of the hearing, the judge may, based on the evidence and testimony, enter an order dismissing, upholding, or amending the penalty that was previously assessed by the director. The order entered by the municipal court of record is a final order on the matter.

(j) A civil penalty assessed against a utility customer for violation of this division may be collected through the utility billing system as part of the consolidated billing system. All such civil penalties are subject to the provisions of the code of ordinances of the City of Alice.

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Section Three: **Repealer Clause:** The repeal of any Ordinance or parts of Ordinances effectuated by the enactment of this Ordinance shall not be considered as abating any actions now pending

under or by virtue of such ordinance or as discontinuance, abating, modifying or altering any penalty accruing or to accrue or as affecting the liability of any person, firm or corporation as waiving any right of the municipality under any section or provision of any ordinance existing at the time of the passage of this Ordinance.

Section Four: Severability: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section Five: Savings Clause: All rights and remedies of the City of Alice are expressly saved as to any and all violations of the provisions of any ordinances affecting fees within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section Six: Effective Date: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Texas Local Government Code.

Section Seven: Open Meetings: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act.

PASSED AND APPROVED on the 12th day of June, 2018.

Mayor Jolene B. Vanover

ATTEST:

Rene Marshall, City Clerk
Approved: June 12, 2018