Article X. CROSS-CONNECTION CONTROL AND PREVENTION

Sec. 13-166. - Purpose.

Every source of contamination or possible contamination from any contaminant which originates from or is located at a residential or commercial establishment, which is connected to any public water supply, or which provides water to the public shall be equipped with the protection required under the provisions of this article.

Sec. 13-167. - Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word or term used in this article 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. The following definitions shall apply to this article:

Air gap shall mean the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water to a tank, fixture, receptor, sink, or other assembly and the flood level rim of the receptacle. The vertical, physical separation must be at least twice the diameter of the water supply outlet, but never less than 1.0 inch.

Approved backflow prevention assembly or *backflow assembly* or *assembly* shall mean an assembly to counteract backpressure and/or prevent backsiphonage that meets the standards contained in the current Plumbing Code adopted by the city.

Backflow shall mean the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system of the city's water.

Backpressure shall mean 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 shall mean the flow of water or other liquids, mixtures, 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.

Commercial establishment or commercial customer shall mean any property other than the single-family residential group.

Contaminants shall mean any foreign material, solid or liquid, not common to the potable water supply which makes or may make the water unfit or undesirable for human or animal consumption.

Contamination shall mean the presence of any foreign substance (organic, inorganic, radiological or biological) in water which tends to degrade its quality so as to constitute a health hazard or impair the usefulness of the water.

Cross-connection shall mean any actual or potential connection or structural arrangement between a public or consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which backflow can occur are considered to be cross-connections.

Cross-connection control assembly shall mean any assembly placed upon any connection, physical or otherwise, between a potable water supply system and any plumbing fixture, or any tank, receptacle, equipment or device, which is designed to prevent non-potable, 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.

Degree of hazard shall mean the low or high hazard classification that shall be attached to all actual or potential cross-connections.

(1) *Health hazard* or *high hazard* shall mean a cross-connection, potential contamination hazard, or other situation involving any substance that can cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable drinking water supply.

(2) *Low hazard or nonhealth hazard* shall mean a cross-connection, potential contamination hazard, or other situation involving any substance that generally will not be a health hazard, but will constitute a nuisance, or be aesthetically objectionable, if introduced into the public water supply.

Director. The director or manager of the departments or divisions designated by the City Manager to enforce and administer this Article, including the Environmental Services Manager, or his designee.

Double check detector backflow prevention assembly or *double check detector* assembly or *DCDA* shall mean an assembly composed of a line-size approved double check assembly with a 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 valve backflow prevention assembly or *double check valve assembly* or *double check* or *DC or DCVA* shall mean an assembly consisting of two internally loaded, independently operating check valves, located between two tightly closing resilient seated shutoff valves with four properly placed resilient seated test cocks.

Fireline backflow tester shall mean a tester who is permanently employed by a state-approved fireline contractor and is qualified to test backflow prevention assemblies on firelines.

General tester shall mean a tester who is qualified to test backflow prevention assemblies on any domestic, commercial, industrial, or irrigation service, except firelines.

Local Regulatory Authority shall mean any municipal officer or department of the city appointed by the city manager to administer this article.

Mobile unit shall mean 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.

Person shall mean any individual, partnership, association, corporation, firm, club, trustee, receiver, and bodies politic and corporate.

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

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

Premises shall mean any piece of property to which water is provided, including all improvements, mobile structures, and structures located on it.

Premises isolation shall mean the appropriate backflow prevention at the service connection between the public water system and the water user.

Pressure vacuum breaker backflow prevention assembly or *pressure vacuum breaker* or *PVB* shall mean an assembly which provides protection against backsiphonage, but does not provide adequate protection against backpressure backflow. The assembly consists of an independently operating, internally loaded check valve, an independently operating, loaded air-inlet valve located on the discharge side of the check valve, with properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly.

Public water system or *system or PWS* shall mean any public or privately owned water system which supplies water for public domestic use. The system will include all services, reservoirs, facilities, and any equipment use in the process of producing, treating, storing, or conveying water for public consumption.

Reduced pressure principle backflow prevention assembly or *reduced pressure principle assembly* or *RP assembly* or *RP* shall mean an assembly consisting of a mechanical, independently acting, hydraulically dependent relief valve, located between two independently operating, internally loaded check valves that are located between two tightly closing resilient-seated shutoff valves with four properly placed resilient-seated test cocks.

Reduced pressure principle detector backflow prevention assembly or *reduced pressure detector* or *RPDA* shall mean 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.

Representative of the water system shall mean a person designated by the city to perform cross-connection control duties that shall include, but are not limited to, cross-connection inspections and water use surveys.

Residential use shall mean water used by any residential customer of the water supply and include single-family dwellings, duplexes, multiplexes, housing and apartments where the individual units are each on a separate meter or, in cases where two (2) or more units are served by one (1) meter, the units are full-time dwellings.

Service connection shall mean the point of delivery at which the water purveyor loses control of the water.

Spill-resistant pressure vacuum breaker or *SVB* shall mean 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.

State environmental regulatory authority shall mean the state's agencies that have the authority to adopt and enforce any environmental rules necessary to carry out its powers and duties under the laws of Texas.

Tester shall mean a person that is a certified backflow prevention assembly technician approved by and registered with the city and the state environmental regulatory authority.

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

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

290 Rules shall mean the rules and regulations for public water systems, which appear in Title 30, Texas Administrative Code, Chapter 290

Sec. 13-168. - Customer service inspection.

(a) A customer service inspection for cross-connection control shall be completed by the local regulatory authority prior to providing continuous water service in each of the following circumstances:

(1) When water service is established for a newly constructed facility or previously non-existing premises.

(2) After any improvement to buildings or premises which has an impact on existing water service

(3) When there is any correction or addition to the plumbing of any facility or premises served by the city.

(4) Whenever the local regulatory authority deems it reasonably necessary.

(b) Permanent water service shall not be supplied to any new construction facility until after the customer service inspection is completed.

Sec. 13-169. - Protection required.

(a) No water-service connection shall be made to any establishment where a potential or actual contamination hazard exists unless the water supply is protected in accordance with the 290 Rules and this ordinance. The local regulatory authority shall discontinue water service if a required air gap or backflow prevention assembly is not installed, maintained, and tested in accordance with the 290 Rules and this ordinance.

(b) The backflow prevention assembly protection which is required under this article shall be from an approved list by the University of Southern California Foundation for Cross-Connection Control

and Hydraulic Research, or as determined by the local regulatory authority. Each backflow prevention assembly must have been approved by the local regulatory authority or his chosen representative in conjunction with the chief plumbing inspector of the city for the use contemplated by the commercial establishment 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 final approval by the local regulatory authority. The local regulatory authority shall determine the type and location of backflow assembly to be installed within the area served by the city. The assembly will be required in each of the following circumstances, but the representative is in no way limited to the following circumstances:

(1) The nature and extent of any activity of the premises, or the materials used in connection with any activity of the premises, or materials stored on the premises could contaminate or pollute the potable water supply.

(2) Premises having any one (1) or more potential or existing cross-connections that are identified or are present.

(3) Internal cross-connections are present that are not correctable.

(4) Intricate plumbing arrangements are present which make it impractical to ascertain whether cross-connections exist.

(5) There is a repeated history of cross-connections being established or reestablished.

(6) There is unduly restricted entry so that inspections for cross-connections cannot be made with sufficient frequency to assure that cross-connections do not exist.

(7) Materials are being used such that if backflow should occur a health hazard could result from contaminants.

(8) Installation of an approved backflow prevention assembly is deemed to be necessary to accomplish the purpose of these regulations in the judgement of the city.

(9) An appropriate cross-connection survey or customer service inspection report form has not been filed with the Environmental Quality Division of the city upon request of the city.

(10) A fire sprinkler system is connected to the city's water system.

(11) All new construction, if deemed necessary in the customer service inspection. The type of assembly will be commensurate with the degree of hazard as determined by the local regulatory authority.

(12) 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 may be installed at the service connection that supplies water for public domestic use.

(13) Any used water return system.

(14) In the event a point-of-use assembly has not had the testing or repair done as required by this article, a premises isolation assembly will be required.

(15) If it is determined that additions or alterations have been made to the plumbing system without obtaining proper permits, premises isolation may be required.

(16) All multistory buildings or any building with a booster pump or elevated storage tank.

(17) Retrofitting will be required on all high hazard connections and wherever else the local regulatory authority deems necessary to retrofit.

(c) No backflow prevention assembly may be removed from use or relocated, nor may one assembly be substituted for another, , without prior approval of the local regulatory authority.

(d) All backflow prevention assemblies shall be installed in a manner for easy access. If an assembly must be installed higher than five (5) feet above grade, a permanent platform shall be installed around the assembly. Any currently installed backflow prevention assemblies which, in the opinion of the local regulatory authority, are located in inaccessible locations, or where the tester is subject to physical danger, shall be relocated to an approved location.

(e) Any premises requiring multiple service connections for adequacy of supply and/or fire protection will be required to install a backflow assembly on each service connection. The type of assembly will be determined by the degree of potential hazard as determined by the local regulatory authority in order to protect the public water system from contamination or pollution.

(f) No person shall install or maintain a backflow prevention assembly upon or within any city right-of-way except as provided in this section.

(1) A backflow prevention assembly required by the city may be installed upon or within any city right-of-way only if the owner proves to the city that there is no other feasible location for installing the assembly and installing it in the right-of-way will not interfere with traffic or utilities. The city retains the right to approve or deny the location, height, depth, enclosure, and other requisites of the assembly prior to its installation.

(2) All permits and inspections required by the City Code to perform work in the right-of-way shall be obtained.

(3) The assembly shall be installed below or flush with the surrounding grade except when it is not practicable to install it in this manner. Any assembly or portion of an assembly which extends above ground shall be located no closer than eighteen (18) inches to the face of the curb.

(4) The city shall not be liable for any damage done to or caused by an assembly installed in a right-of-way.

(5) A property owner shall, at the request of the city and at the owner's sole expense, relocate a backflow prevention assembly which encroaches upon any city right-of-way when such relocation is necessary for the city’s reconstruction, widening, or straightening of streets; placement or installation of traffic signals, traffic signs and streetlights; or utility construction or repairs for purposes of public safety or other city public improvement projects.

(6) A person commits an offense if he/she fails to relocate a backflow prevention assembly located in or upon any city right-of-way after receiving a written order from the local regulatory authority to do so.

(g) It is the responsibility of any person who owns or controls property to eliminate the possibility of thermal expansion if a closed system has been created by the installation of a backflow assembly.

(h) Any reduction in water pressure caused by the installation of a backflow assembly is not the responsibility of the city.

(i) Any person who owns or controls property or establishes water service is responsible for the installation, testing and repair of all backflow assemblies on their property.

(j) Air gap separations provide maximum protection from backflow hazards and may be utilized at premises where a substance is handled that would be hazardous to health if introduced into the potable water system.

(k) A proper air gap is required to fill an external tank.

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

(m) A permit shall be obtained from the Building Inspection Division for all commercial and residential lawn irrigation system installations prior to any such installations. The installation requirements must comply with guidelines for the appropriate assembly found in this article. Interconnections of the potable water supply with an alternate water source is prohibited. Approved backflow protection assemblies must be installed if any mechanical injection stations are used with the irrigation system.

(n) 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 testing of any backflow prevention assembly must be received from the local regulatory authority before connecting to any potable water system.

(o) The connection of an auxiliary supply is prohibited. An auxiliary supply shall mean any water source or system other than the public water system that may be available in the building or on the property. These auxiliary sources of water may include but are not limited to other public water system sources or other unapproved onsite source(s) which are not under the control of a public water system, such as a groundwater well, lake, spring, river, stream, harbor, and so forth. Auxiliary water sources may also include graywater, rain or storm water, reclaimed waters, or recycled waters.

Sec. 13-170. - Installation requirements for backflow prevention assemblies.

(a) *General.* To ensure proper operation and accessibility of all backflow prevention assemblies, the following requirements shall apply to the installation of these assemblies:

(1) Backflow prevention assemblies shall be installed in accordance with the current state environmental regulatory authority's rules and these regulations. The assembly installer must obtain the required plumbing permits, have the assembly tested according to sec. 13-172 of this article, and have the installation inspected by a representative of the chief plumbing inspector.

(2) At those facilities where the local regulatory authority requires a backflow prevention assembly to be installed at the point of delivery of the water supply, such installation of the assembly must be located on private property inside the boundary between the city right-of-way and the landowner's property and located in front of any branch in the line.

(3) Any backflow prevention assembly required for premise isolation or firelines for an establishment shall be installed within 100 feet of the connection to the public water supply.

(4) The assembly must be protected from freezing and other severe weather conditions with a city approved enclosure.

(5) Lines must be thoroughly flushed prior to installation. A strainer with blowout tapping may be required ahead of the assembly.

(6) All backflow prevention assemblies shall be of a type and model approved by the local regulatory authority.

(7) All vertical installations of backflow assemblies must have prior approval by the local regulatory authority. Specific make, model, and size for installation must be submitted for approval.

(8) Assemblies installed more than five (5) feet above floor level must have a permanent platform for use by testing or maintenance personnel.

(9) Bypass lines are prohibited. Pipe fittings which could be used for connecting a bypass line must not be installed.

(10) All facilities that require continuous, uninterrupted water service and are required to have a backflow assembly must make provision for the parallel installation of assemblies of the same type so that testing, repair, and maintenance can be performed.

(11) The property owner assumes all responsibility for any damages resulting from installation, operation, and/or maintenance of a backflow assembly. The owner shall be responsible for keeping all backflow prevention assembly vaults reasonably free of silt and debris.

(12) Upon completion of installation, the local regulatory authority shall be notified, and all assemblies must be inspected and tested in accordance with this article. All assemblies must be registered with the local regulatory authority. Information required for registration shall include, but not be limited to, the date of installation, manufacturer, model, type, size, serial number of the backflow assembly, and initial test report.

(b) *Reduced pressure principle backflow prevention assemblies (RPs).* In the absence of an air gap, RPs must be utilized at premises where a substance is handled that would be hazardous to health if introduced into the potable water system. The RP is normally used in locations where an air gap is impractical.

(1) In accordance with the manufacturer's specifications, RPs must be sized to provide an adequate supply of water and pressure for the premises being served.

(2) The assembly must be readily accessible for testing and maintenance and must be located in an area where water damage to building or furnishing would 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. An approved air gap funnel assembly may be used to direct minor discharges away from the assembly This assembly will not control flow in a continuous relief situation. The presence of drain lines to accommodate full relief valve discharge flow is required.

(3) No part of a reduced pressure principle backflow prevention assembly shall be submerged in water or installed in a location subject to flooding.

(4) Enclosures shall be designed for ready access and sized to allow for the minimum clearances established below.

(5) Assemblies two (2) inches and smaller shall have at least six (6) inches clearance on both sides and on top of the assembly, and twelve (12) inches below and behind the assembly. All assemblies larger than two (2) inches shall have a minimum of twelve (12) inches on the back side, twenty-four (24) inches on the test cock side, and the relief valve opening shall be at least twelve (12) inches above the floor or highest possible water level.

(6) Any deviations from these requirements must have prior written approval of the local regulatory authority.

(c) *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.

(1) RPDAs shall comply with the installation requirements for reduced pressure principle backflow assemblies (RPs).

(2) 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.

(d) *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.

(1) In accordance with the manufacturer’s specifications, DCs must be sized to provide an adequate supply of water and pressure for the premises being served.

(2) The assembly shall be readily accessible with adequate room for testing and maintenance. DCs may be installed below grade, providing all test cocks are fitted with brass pipe plugs. All vaults shall be well-drained, constructed of suitable materials, and sized to allow for the minimum clearances established below.

(3) Assemblies two (2) inches and smaller shall have at least six (6) inches' 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 twenty-four (24) inches below grade. All assemblies larger than two (2) inches shall have a minimum clearance of twelve (12) inches on the back side, twenty-four (24) inches on the test cock side, and twelve (12) inches below the assembly. Headroom of six (6) feet zero (0) inches is required in vaults without a fully removable top. A minimum access opening of thirty-six (36) inches is required on all vault lids. These clearance standards apply to all assemblies installed in vaults, enclosures, and meter boxes.

(4) Any deviations from these requirements must have prior written approval of the local regulatory authority.

(e) *Double check detector backflow prevention assemblies (DCDAs)* may be utilized in all installations requiring a double check valve assembly and detector metering.

(1) DCDAs shall comply with the installation requirements for double check valve assemblies (DCs).

(2) 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 certified tester.

(f) *Pressure vacuum breaker backflow prevention assemblies (PVBs).* PVBs may be utilized at point-of-use protection only and where a substance is handled that would be objectionable but not hazardous to health if introduced into the potable water system. PVBs protect against back-siphonage only, and they shall not be installed where there is potential for backpressure.

(1) The assembly shall be installed a minimum of twelve (12) inches above the highest downstream piping.

(2) PVBs shall not be installed in an area subject to flooding or where damage would occur from water discharge.

(3) The assembly shall be readily accessible for testing and maintenance, with a minimum clearance of twelve (12) inches all around the assembly.

(4) Any deviations from these requirements must have prior written approval of the regulatory authority.

(g) *Spill-resistant pressure vacuum breaker backflow prevention assemblies (SVBs).* SVBs may be utilized in all installations requiring a pressure vacuum breaker. SVBs shall comply with the installation requirements for pressure vacuum breaker backflow prevention assemblies.

Sec. 13-171. - Residential service connections.

Any person who owns or controls any residential property which has been determined to have an actual or potential cross-connection will be required to eliminate the actual or potential cross-connection or have an approved backflow assembly installed in accordance with this article to be maintained at the owner's expense.

Sec. 13-172. - Testing of assemblies.

(a) The local regulatory authority shall inspect and test, or cause to be inspected and tested, all assemblies in each of the following circumstances:

(1) Immediately after installations;

(2) Whenever the assembly is relocated;

(3) A minimum of once a year in the month designated by the local regulatory authority;

(4) On premises that have been vacated and unoccupied for one (1) year, prior to reoccupancy;

(5) Immediately after repairs; and

(6) For quality assurance after testing.

(b) Testing of assemblies for non-health hazards at residential service connections is required upon installation and at a frequency determined by the local regulatory authority.

(c) All assembly testing shall be performed by a certified backflow prevention assembly tester, approved by and registered with the local regulatory authority.

(d) The city shall not be liable for damage to a backflow prevention assembly that occurs during testing.

(e) The local regulatory authority may cause a water use survey or customer service inspection to be conducted at any commercial establishment located in the city which is served by a public water supply or which provides water to the public. Upon determination by the local regulatory authority that a commercial establishment falls under, and has failed to comply with, the provisions of this article, the local regulatory authority shall issue a notice to abate the condition or order the commercial establishment to install the proper backflow prevention assembly.

(f) It is the responsibility of any person who owns or controls property to have all assemblies tested in the month established by the local regulatory authority and in accordance with this article. Assemblies may be required to be tested more frequently if the local regulatory authority deems necessary.

(g) Assemblies must be repaired, overhauled, or replaced whenever the assemblies are found to be defective.

(h) Backflow prevention assemblies installed on fire suppression systems must be tested by a backflow prevention assembly tester permanently employed by an approved fireline contractor.

(i) All results from a newly installed fire line assembly by a fireline tester shall be placed on a form approved by the local regulatory authority.

(j) All results from annual assembly testing shall be submitted on-line through the city's approved website or on a form approved by the local regulatory authority.

(k) All newly installed, non-fireline assemblies or assemblies that do not require confined space entry shall have the initial test performed by the local regulatory authority.

Sec. 13-173. - Responsibilities.

(a) *Property owner.* 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, persons in charge of any premises, and persons who establish water service to receive prior approval for the changes from the local regulatory authority. It shall also be the responsibility of the property owners, persons in charge of any premises, and persons who establish water service to comply with the following:

(1) Payment of all costs associated with this article and the purchase, installation, testing and repair of backflow prevention assemblies.

(2) Install and maintain all backflow prevention assemblies in accordance with this article and acceptable industry practice.

(3) All commercial establishments shall cause to have all backflow prevention assemblies on their premises tested annually during the month assigned by the local regulatory authority. Such testing must be conducted by a certified cross-connection tester who is registered with the city.

(4) Maintain all backflow prevention assemblies in proper working order at all times, including repair or replacement as required.

(5) Repairs or replacements shall be completed by the date established by the local regulatory authority.

(6) Maintain all backflow prevention assemblies in a manner which allows them to be tested by a method that has been approved by the regulatory authority.

(7) All records related to backflow prevention assembly installation, testing and repair shall be maintained on the premises for a minimum of three (3) years.

(8) Requests for removal or relocation must be submitted to the local regulatory authority in writing. No backflow prevention assembly may be removed from use or relocated, nor may one assembly be substituted for another, without prior approval of the local regulatory authority.

(b) *Certified backflow prevention assembly tester.* A certified backflow prevention assembly tester shall comply with the following requirements:

(1) Annually register with the local regulatory authority and pay the annual, nonrefundable required tester registration fee established by this article.

(2) Maintain testing equipment in proper working condition/calibration and provide proof that testing equipment is able to maintain a calibration of plus or minus 0.2 psid accuracy.

(3) Maintain the design or operation characteristics of an assembly.

(4) Test assemblies in a manner according to 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, the state environmental regulatory authority, and local regulatory authority's regulations.

(5) Report testing data, including accurate assembly information, test gauge serial numbers, repairs, and verify that assembly is installed as required by this article and the manufacturer, on-line through the city's approved website or on a form approved by the local regulatory authority.

(6) Submit test results to the local regulatory authority within seven (7) days of testing.

(7) Provide a copy of the completed test report to the property owners and/or persons in charge of any premises immediately after testing.

(8) Maintain testing and/or repair records for a minimum of three (3) years.

(c) After not less than ten (10) days' written notice to a backflow prevention assembly tester who is registered with the city ("the registrant"), the director may revoke said registration if the registrant fails to meet the requirements of this article. Such written notice shall include the reason for the revocation, the effective date, and instructions on how to appeal the revocation. The registrant shall have ten (10) days after receipt of the written notice from the director to submit a written request to the city manager appealing the revocation.

(d) *Local regulatory authority.* The local regulatory authority shall have the authority and responsibility to enforce the provisions of this article and the state statutes, when applicable, regarding cross-connections. At the expense of the property owner, the local regulatory authority shall inspect and initially test, or cause to be tested, all backflow prevention assemblies installed pursuant to the requirements of this article. For new facilities, permanent water service shall not be provided until all backflow prevention assemblies have been tested and are operational. Except in cases where the testing of backflow prevention assemblies must be delayed until the installation of internal production or auxiliary equipment, the local regulatory authority shall not approve a certificate of occupancy until all backflow prevention assemblies have been tested and are operational. The city shall not be liable for damage caused to any backflow prevention assembly as a result of the inspection or testing.

Sec. 13-174. - Same—Fees.

(a) There shall be an annual nonrefundable registration fee for each backflow prevention assembly. The registration fee to be charged for a backflow prevention assembly shall be thirty-five dollars ($35.00) per each separate assembly. This fee may appear on the monthly water/sewer bills and relates solely to the matters covered in this article and are separate from other fees chargeable by the city.

(b) There shall be a testing fee of one hundred dollars ($100.00) per each separate backflow prevention assembly for which the local regulatory authority performs a test. This fee applies to, but is not limited to, all newly installed backflow assemblies. If, upon inspection or testing of a backflow prevention assembly, it is deemed to not be working properly, it is the responsibility of the property owners and persons in charge of any premises to make necessary repairs. A retest fee of fifty dollars ($50.00) will be assessed for each retest performed by the regulatory authority. Testing fees may appear on the monthly water/sewer bill and are separate from other fees chargeable by the city.

(c) There shall be an annual, nonrefundable registration fee of one hundred dollars ($100.00) for each certified backflow prevention assembly tester prior to testing any backflow assemblies in the city.

(d) There shall be fees established for online entry test forms and for test forms purchased from the City. These fees shall be paid by the tester for submitting each test report and for obtaining an approved report form. The fees are subject to change. Current fees shall be posted on the City website.

Sec. 13-175. - Penalty for violations; other remedies.

(a) Any person, agent, property owner, business owner, Operator, manager, sublessor, firm, or corporation who violates any provision of this Article or any permit issued under this Article, including failing to perform a required act or performing a prohibited act, is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the City of Grand Prairie, or any amendment thereto or renumbering thereof, for

violations of public health for each act of violation and for each day of violation. Each day may be considered a new violation.

(b) Any person, firm, or corporation who obstructs, impedes, or interferes with a lawfully placed and operated surveillance equipment or the lawful actions of representative of the City, a representative of a City department, or a person who is abating situation pursuant to this Article is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the City of Grand Prairie, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation. It is a rebuttable presumption that the placement and operation of surveillance equipment and the actions of City employees and vendors are lawful

(c) In addition to proceeding under authority of subsections (a) and (b) of this section, the City is entitled to pursue all criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person, agent, property owner, business owner, operator, manager, sublessor, firm, or corporation that remains in violation of this Article.

(d) *Failure to annually test*. If the responsible party fails to have annual testing performed, or fails to submit proof of testing, as required by this ordinance, the city may test or contract with a tester to perform testing requirements and charge the customer for said expense(s) included with the monthly water bill. Nonpayment of this special billing shall be grounds for termination of service in accordance with this Code.

(e) *Water service*. The city may refuse or discontinue water service if a backflow prevention assembly is not installed, certified for operation, repaired or replaced as required by this article.

(f) *Sanctions for failure to pay bill.* In addition to sanctions provided for by this article, the city is entitled to exercise sanctions provided for by other ordinances of the city for failure to pay the bill for water and sanitary sewer services when due.

(g) *Revocation of certified tester's registration.* A certified tester's registration may be reviewed and revoked by the city if the local regulatory authority determines that the tester has failed to meet any and all responsibilities of a certified backflow assembly tester as required by 173(b) of this section. The director shall provide the tester written notice of the revocation and the grounds for the same. The tester has the right to appeal the revocation by submitting a written appeal to the director within ten (10) calendar days of receipt of the notice. The appeal hearing shall be held as soon as practical and no later than fourteen (14) calendar days after the request is received. The appeal shall be heard by the designated hearing authority. The hearing authority shall issue a written ruling with findings of fact within five (5) business days of the hearing date. The decision of the hearing authority shall be final.

(h) This section is in addition to any other civil, criminal, administrative or regulatory rights and remedies the City may have and is not intended to limit the City's rights, authority, or defenses in any way.

Sec. 13-176 – Right of Entry.

The city's representative(s) shall have the right to enter the premises of any person to determine whether that person is compliance with all requirements of this article. Persons shall allow inspecting or monitoring personnel ready access to all parts of the premises for the purposes of inspection, quality assurance, records examination and copying, and the performance of any additional duties. Any information concerning a requirement under this article shall be made readily available upon request. Any information concerning

a requirement under this Article, including, but not limited to water testing data, construction records, state registrations, environmental and closure records, shall be made readily available upon request. When required by law, a search or inspection warrant must be obtained prior to a search being conducted.

(a) Where security measures are in force which requires proper identification and clearance before entry into the premises, that person shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the city's representative will be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The city's representatives shall have the right to set up on any person's property such devices as are necessary to conduct monitoring of any person's operations.

(c) Unreasonable delays in allowing inspecting or monitoring personnel access to any person's premises shall be a violation of this article.

Sec. 13-177. - Right of revision.

The local regulatory authority reserves the right to establish, by ordinance more stringent standards or requirements to the 290 rules.

Sec. 13-178. - Search warrants.

If the local regulatory authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the regulatory authority may seek issuance of a search warrant from the appropriate court.

Sec. 13-179. - Remedies nonexclusive.

The remedies provided for in this article are not exclusive. The local regulatory authority may take any, all, or any combination of these actions against a noncompliant user.

Sec. 13-180. - Administrative liability.

(a) No officer, agent, or employee of the city shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such person's duties under this article.

(b) Any suit brought against any officer, agent, or employee of the city as a result of any act required or permitted in this discharge of such duties under this article shall be defended by the city attorney until the final determination of the proceedings therein.

Secs. 13-181—13-185. - Reserved."

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, SEPTEMBER 21, 2021.