ORDINANCE NO. 2001-2802

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 38, ENTITLED, "WATER, SEWERS AND SEWAGE DISPOSAL," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, ADDING A NEW ARTICLE VII, ENTITLED, "CROSS CONNECTION CONTROL," PROVIDING A SAVINGS CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, Chapter 290.44 of the Rules and Regulations for Public Water Systems, Texas Natural Resources Conservation Commission, provides that it is the responsibility of the City of Temple, Texas, Utilities Department to protect its drinking water by instituting and enforcing a cross connection control program.

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

PART 1: Chapter 38, entitled, "Water, Sewers and Sewage Disposal," of the Code of Ordinances of the City of Temple, Texas, is hereby amended to add a new Article VII, entitled, "Cross Connection Control," to read as follows:

Article VII. Cross Connection Control

Sec. 38-130. General Provisions.

(a) **Title.** These regulations shall hereinafter be known, cited, and referred to as the Cross Connection Control Ordinance of the City of Temple, Texas, and shall be included as part of the Code of Ordinances of the City of Temple, Texas.

(b) **Definition of Terms.** For the purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word or term used in this ordinance is not contained in the following list, its definition or other technical term used, shall have the meaning 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.

1. ***Approved Backflow Prevention Assembly or Backflow Assembly or Assembly*** shall mean an assembly to counteract backpressure or prevent backsiphonage. This assembly must appear on the list of approved assemblies issued by the City of Temple Utilities Department.

    a. ***Reduced Pressure Principle Backflow Prevention Assembly or Reduced Pressure Principle Assembly or RP Assembly or RP*** shall mean an assembly containing two independently acting approved check valves together with a hydraulically operated, mechanically

independent pressure differential relief valve located between the valves and at the same time below the first check valve. The assembly shall include properly located resiliently seated test cocks and tightly closing resiliently seated shut-off valves at the end of the assembly.

b. ***Reduced Pressure Principle Detector Backflow Prevention Assembly or Reduced Pressure Detector or RPDA*** shall mean an assembly composed of 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.

c. ***Double Check Valve Backflow Prevention Assembly or Double Check Assembly or Double Check or DC*** shall mean an assembly which consists of two independently operating check valves which are spring loaded or weighted. The assembly comes complete with a gate valve on each side of the checks, as well as test cocks to test the checks for tightness.

d. ***Double Check Detector Backflow Prevention Assembly or Double Check Detector or DCDA*** shall mean an assembly composed of line-size approved double check assembly with bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for very low rates of flow.

e. ***Pressure Vacuum Breaker Backflow Prevention Assembly or Pressure Vacuum Breaker or PVB*** shall mean an assembly which protects against backsiphonage, but does not provide adequate protection against backpressure backflow. The assembly is a combination of a single check valve with an AVB and can be used with downstream shutoff valves. In addition, the assembly has suction and discharge gate valves and test cocks which allows the full testing of the assembly.

f. ***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 test cock and shutoff valves on the suction and discharge ports of the assembly.

g. ***Atmospheric Vacuum Breaker Backflow Prevention Device or Atmospheric Vacuum Breaker or AVB*** shall mean that this device cannot be tested and cannot prevent back pressure backflow, but is used to prevent backsiphonage in nonhealth hazard conditions.

h. ***Air Gap*** shall mean a physical separation between the free flowing discharge end of a potable water supply piping and/or appurtenance and an open or nonpressure receiving vessel, plumbing fixture or

other device. An "approved air gap separation" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture or other device, in no case less than one inch. Air gaps can be used to protect against backpressure or backsiphonage of a high health or nonhealth hazard.

2. ***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, including ground water or surface water used for industrial, irrigation or any other purpose.

3. ***AWWA*** shall mean American Water Works Association.

4. ***Backflow*** shall mean the undesirable reversal of flow of water or mixtures of water and other liquid, gaseous, or other substances into the distribution pipes of the potable supply of water from any source or sources.

5. ***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.

6. ***Backsiphonage*** shall mean a form of backflow due to a reduction in system pressure which causes a subatmospheric pressure to exist at a site in the water system.

7. ***Boresight or Boresight to Daylight*** shall mean providing adequate drainage for backflow prevention assemblies installed vaults through the use of an unobstructed drain pipe.

8. ***City*** shall mean the City of Temple, Texas.

9. ***Commercial Establishment*** shall mean any property or location which is primarily used for the manufacture, production, storage, wholesaling or rebuilding of any goods or wares which is or may be placed in the flow of commerce or any property or location which is used primarily for the provision of any service.

10. ***Commission*** shall mean the Texas Natural Resource Conservation Commission (TNRCC).

11. ***Containment*** shall mean the installation of appropriate type or method of backflow protection at the service connection.

12. ***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 consumption.

13. ***Contamination*** shall mean the entry into or presence in a public water supply system of any substance which may be deleterious to health and/or the quality of the water.

14. ***Cross Connection*** means any physical arrangement where a potable water supply is connected, directly or indirectly (actual or potential), with any other non-drinkable water system, used water system, or auxiliary water supply, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers, air condition units, fire protection system, or any other assembly which contains, or may contain, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of importing contamination into the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover assemblies, or other temporary or permanent assemblies through which, or because of which, backflow may occur are considered to be cross connections.

15. ***Customer*** shall mean the person, company or entity contracting with the City of Temple through the Utility Department to receive potable water service.

16. ***Customer Potable Water System*** shall mean that portion of the privately owned potable water system lying between the point of delivery and the point of use. This system will include all pipe, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store or utilize the potable water.

17. ***Customer Service Inspection*** shall mean a detailed inspection of a location and disposition of the water lines, including without limitation, establishing water lines on the premises, the existence of cross connections, the availability of auxiliary or used water supplies, the use or availability of pollutants, contaminants and other liquid, solid or gaseous substances which may be used for stabilization of water supplies and such other processes necessary to determine degree of hazard. Inspection may include review of records required by this ordinance. The inspection may only be conducted by: (i) plumbing inspectors and water supply protection specialist licensed by the State Board of Plumbing Examiners; (ii) Certified waterworks operators and members of other water related professional groups holding an endorsement by the commission or its designated agent; (iii) licensed plumbers (for single-family residential services only).

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

    a. ***High Hazard*** shall mean the classification assigned to an actual or potential cross connection that potentially can allow a substance to backflow into the potable water supply that may cause illness or death.

    b. ***Low Hazard*** shall mean the classification assigned to an actual or potential cross connection that potentially could allow a substance that may be objectionable but not hazardous to a human's health to backflow into the potable water supply.

    c. ***Health Hazard*** shall mean an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

d. ***Plumbing Hazard*** shall mean an internal or plumbing-type cross connection in a consumers potable water system that may be either a pollution or a contamination hazard.

e. ***Pollution Hazard*** shall mean an actual or potential threat to the physical properties of the water system or the potability of the public or consumer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree of intensity of the pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

f. ***System Hazard*** shall mean an actual or potential threat of severe danger to the physical properties of the public or consumer's potable water supply or of a pollution or contamination that would have a detrimental effect on the quality of the potable water in the system.

19. ***Director*** shall mean the City's Director of Utilities Department who is vested with the authority and responsibility for the implementation of an effective cross connection control program for the City and for the enforcement of the provisions of this ordinance.

20. ***Non-Potable Water*** shall mean water that does not comply with the commission's rules and regulations governing drinking water.

21. ***Non-Residential Uses*** shall include all users not specifically included in residential uses defined under Residential Use.

22. ***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.

23. ***Pollution*** shall mean an impairment of the quality of the public water supply to a degree which does not create a hazard to the public health but does adversely and unreasonably affect the aesthetic qualities of such potable water for domestic use.

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

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

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

27. ***Public Water System or System*** shall mean any public or privately owned water system, which supplies water for public domestic use. The system must meet all the health requirements set forth by the TNRCC. The system will include all services, reservoirs, facilities, and any equipment used in the process of producing, treating,

storing or conveying water for public consumption.

28. ***Recognized Tester*** shall mean a person that is a State certified backflow prevention assembly tester.

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

    b. ***Fireline Tester*** shall mean qualified to test backflow prevention assemblies on firelines only. The State Fire Marshall's office requires that a person performing maintenance on firelines must be employed by an Approved Fireline Contractor.

29. ***Representative of the Water System*** shall mean a person designated by the City of Temple to perform cross connection control duties that shall include, but are not limited to, cross connection inspections and water use surveys.

30. ***Residential Use*** shall include single family dwellings, duplexes, multiplex, housing and apartments where the individual units are each on a separate meter or the units are full-time dwellings in cases where two or more units are served by one meter.

31. ***Service Connection*** shall mean the terminal end of a service line from the public potable water system, i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the consumer's potable water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter.

32. ***Thermal Expansion*** shall mean heated water that does not have the space to expand.

33. ***TNRCC*** shall mean the Texas Natural Resource Conservation Commission.

34. ***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.

35. ***Utility*** shall mean the City of Temple Utilities Department.

36. ***Water Supply Protection Specialist*** shall mean any person who holds a license endorsement issued by the Texas State Board of Plumbing Examiners to engage in the inspection, in connection with health and safety laws and ordinances, of the plumbing work or installation of a public water system distribution facility or of customer owned plumbing connected to that system's water distribution lines.

(c) **Authority of Requirements.**

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, as promulgated by Chapter 212 of the Texas Local Government Code, as heretofore, or hereinafter amended. This ordinance is adopted pursuant to the provisions of

the Charter for the City of Temple, Texas.

(d) **Purpose of Ordinance.**

The regulations contained herein are adopted to achieve the following purposes and shall be administered to achieve the following objectives:

1. Promote the health, safety and general welfare of the city;

2. Promote and encourage the proper use and control of the City's water distribution system;

3. To protect the City's potable water supply from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminates or pollutants that could backflow into the public water system;

4. Promote the elimination or control of existing cross connections, actual or potential, between the customer's potable water system(s), and nonpotable water systems, plumbing fixtures, and process piping systems in conjunction with the currently adopted plumbing code;

5. To provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent this contamination or pollution of the City's potable water by requiring the certification and operational testing of all testable backflow prevention assemblies located on a premises, and requiring the installation of approved backflow prevention assemblies as required by the currently adopted plumbing code; and

6. To comply with the TNRCC rules and regulations for Public Water Systems.

(e) **Policy.**

It is hereby declared the policy of the City to promote the public health safety and welfare by;

1. Implementing the rules for drinking water standards governing drinking water quality and reporting requirements for public water supply systems promulgated by the Texas Natural Resource Conservation Commission, 31 Texas Administrative Code 290.44 and 290.46, Texas Health and Safety Code, Chapter 341, Subchapter C and the Federal Safe Drinking Water Act, 42 US.CA §§300 f et seq;

2. Establish a cross connection control program of uniform regulations governing the installation, testing and certification of backflow prevention assemblies and technicians;

3. Establishing requirements to permit and control the installation, routine maintenance and inspection of backflow prevention assemblies.

(f) **Jurisdiction and Applicability.**

These rules and regulation contained herein shall apply to the utility water service area and all cross connections and installations of backflow prevention assemblies within:

1. Any service area of the City of Temple Utility;

2. Areas where water is purchased from the City of Temple Utility for the purpose of resale; and

3. Any plumbing outside the City requiring plumbing inspection pursuant to a interlocal agreement between the City and a political subdivision, a water sales contract or applicable ordinance.

(g) **Rulemaking.**

The Director of Utilities is hereby authorized to promulgate reasonable regulations to achieve the purposes of the ordinance that are not in conflict with this chapter, the currently adopted plumbing code, the City charter, the TNRCC, the laws of the State of Texas, Texas Health and Safety Code, §§341.031 et seq., as amended, and the Federal Safe Drinking Water Act, 42. USCA § 300 f et. seq., as amended.

(h) **Conflicts with Public and Private Provisions.**

Except where indicated, these regulations are not intended to:

1. Interfere with, abrogate, or annul any other public ordinance, rule or regulation statute, or other provision of law.

2. Abrogate any easement, deed restriction, covenant or any other private agreement or deed restriction.

(i) **Conformance with Rules and Regulations.**

These regulations herein shall be held to be the minimum requirements concerning cross connections and backflow prevention. In addition to the requirements, each water customer of the City shall be in conformance with all applicable County, State and Federal laws.

Sec. 38-131. Backflow and Siphonage Prevention Program.

(a) **Cross Connection Prohibited.**

1. No installation of potable water supply piping or part thereof shall be made in such a manner that allows used, polluted or contaminated water, mixtures, gases, or other substances to enter any portion of such piping by reason of backsiphonage, backpressure or any other cause.

2. No person shall install any water operated equipment or mechanism or use

any water treating chemical or substance. If it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the public potable water supply system, such equipment or mechanism may be permitted only when equipped with an approved backflow prevention assembly.

3. No person shall connect to the public potable water supply/system any mechanism(s) or system(s) designed to return used water to the public potable water supply/system through any measures.

4. No person shall connect any auxiliary water system to the public potable water supply/system except as allowed by the ordinance and by the currently adopted plumbing code, as amended.

(b) **Installation Provisions.**

1. No water connection from a public drinking water supply system shall be made to any establishment where an actual or potential contamination or system hazard exists without an air gap separation between the drinking water supply and the source of potential contamination. The containment air gap is sometimes impractical and instead reliance must be placed on individual air gaps or mechanical backflow prevention devices. Under these conditions, additional protection shall be required at the meter in the form of a backflow prevention device (in accordance with AWWA Standard C510 and C511, and AWWA Manual M14) on those establishments handling substances deleterious or hazardous to the public health. The City need not require backflow protection at the water service entrance (meter) if an adequate cross connection control program is in effect that includes annual inspection and testing by a certified backflow prevention device tester. It will be the responsibility of the City to ensure that the requirements are met. It is the water customer's responsibility to coordinate and pay for any required annual test(s) and inspection(s).

2. No water connection from any public drinking water supply system shall be made to any condensing, cooling or industrial process or any other system of nonpotable usage over which the public water supply system official does not have sanitary control, unless the said connection is made in accordance with the requirements of paragraph one (1) of this section. Water from such systems cannot be returned to the potable water supply.

3. Overhead bulk water dispensing stations must be provided with an air gap between the filling outlet hose and the receiving tank to protect against backsiphonage and cross contamination.

4. The use of a backflow prevention device at the service connection shall be considered as additional backflow protection and shall not negate the use of backflow protection or internal hazards as outlined and enforced by the current adopted plumbing code.

5. **New Installation.**

a. New, replacement, or reconditioned backflow prevention assemblies shall be installed in accordance with the currently adopted plumbing code, as amended.

b. Prior to installation, the person must obtain a plumbing permit.

c. Prior to issuance of a certificate of occupancy, a completed test and maintenance report must be submitted to the Utility Department for any connection requiring a testable backflow prevention assembly. Documentation of an approved air gap can be substituted where applicable and is subject to annual inspection.

6. **High Health Hazard Installation.**

a. Only approved backflow prevention assemblies installed at the meter can be used at high health hazard applications unless a variance is obtained from Director of Utilities. Variances will be based on conditions such as type of hazards(s), complexity of facility plumbing, potential for future plumbing connections and others as deemed appropriate.

b. The Director of Utilities may require a secondary assembly if deemed necessary to protect the public water supply from the failure of the primary backflow prevention assembly or to allow maintenance of the primary backflow prevention assembly.

7. **Other Installations.**

a. An approved backflow prevention assembly shall be installed to protect the potable water system from contamination or pollution when such system is connected to any automatic fire protection system, standpipe systems or privately owned fire hydrants.

b. Installation of a reduced pressure backflow prevention assembly shall be required on any meter connected to the potable water system for water appropriation from fire hydrants unless an approved air gap is authorized. Only meters and backflow prevention assemblies approved by the Director of Utilities can be used to obtain water from a fire hydrant.

8. **Wholesale Customers**. Any Customer purchasing water for the purpose of resale or distribution shall:

a. Install an air gap separation or a reduced pressure backflow prevention assembly at the service connection; or

b. Implement a plumbing inspection and cross connection control program that is approved by the Director of Utilities which is not less restrictive than that of the City and provide annual program records to the Director for review and audit.

9. **Government Customers.** Any premises owned, operated, or occupied by a state, federal, county, city or foreign government or agency refusing to comply with the provisions of this chapter shall install a reduced pressure backflow prevention assembly at each service connection.

10. **Water Hauling Vehicles.** Water hauling vehicles obtaining water from a connection to the City's potable water supply system shall have an approved air gap separation or a reduced pressure backflow prevention assembly installed permanently on the vehicle, or if connected by a fire hydrant meter, installed on the fire hydrant meter. The assembly shall be registered with the City and certified for operation annually.

11. **Compliance for Existing Customers.**

a. The premise owner, customer or the designated representative of any facility which is determined to have an unprotected or improperly installed high health hazard connection (s) must comply with this section within 60 days upon written notification by the Director unless the Director determines that circumstances exist which require installation within a shorter time frame. Documentation of the installation and testing shall be submitted as outlined in Section 220.

b. The premise owner, customer, or designated representative of any facility which is determined to have an unprotected nonhealth hazard connections must install an approved assembly immediately downstream of the City's meter on a schedule determined by the Director. Documentation of the installation and testing shall be submitted as outlined in Section 220.

c. The premise owner, customer or designated representative shall have all testable backflow prevention assemblies which are currently installed certified for operation by a certified backflow prevention assembly tester on an annual basis. If the assembly has not been certified for operation within the last year, the assembly must be tested and, if required, repaired and the documentation submitted to the director within 60 days upon written notification by the Director or

on a schedule approved by the Director.

(c) Inspection and Testing Requirements.

1. All backflow prevention assemblies shall be inspected and tested in each of the following circumstances:

    a. Immediately after installations;
    b. Whenever the assembly is moved;
    c. A minimum of once a year;
    d. Premises that have been vacated and unoccupied for one year, prior to re-occupancy; and
    e. Immediately after repairs.

2. All assembly testing shall be performed by a state certified backflow prevention assembly tester, approved by the regulatory authority and registered with the City of Temple.

3. Duly authorized employees of the city bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this ordinance. Persons and occupants of premises which are provided water service by the city, either directly or indirectly, shall allow the city or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, testing, records examination or in the performance of any of their duties. Where persons or occupants of premises have security measures in force which would require proper identification and clearance before entry into their premises, the persons and occupants of the premises shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

4. The City is not liable for damage to a backflow prevention assembly, which may occur during testing, fluctuation in the distribution system pressure or interruption to the water supply.

5. A water use survey may be conducted at any establishment located in the city which is served by a public water supply or which provides water to the public. Upon determination that the establishment falls under the provisions of this ordinance and requires a backflow prevention assembly, a notice to abate the condition or to install the proper backflow prevention assembly shall be issued.

6. Gauges used in the testing of backflow prevention assemblies shall be tested for accuracy annually and calibrated in accordance with the Manual of Cross Connection Control published by the Foundation of Cross Connection Center, Hydraulic Research, University of Southern California and/or the AWWA Manual of Cross Connection Control (Manual M-14).Testers shall

include test gauge serial numbers on "Test and Maintenance" report forms.

7. **Test and Maintenance Report.**

A Backflow Prevention Assembly Test and Maintenance Report must be completed by the recognized backflow prevention assembly test for each assembly tested. The signed and dated original must be submitted to the City Utility Department within 10 working days for record keeping purposes. Should the tester choose to use a report format which differs from that found in this Section, it must minimally contain all information required by the report form.

Test and maintenance reports shall be retained for a minimum of three years. The public water supplier must provide these records to commission staff for inspection upon request.

(d) **Customer Responsibility.**

1. It is the responsibility of the person who owns or controls property to have all assemblies tested in accordance with this ordinance. Assemblies may be required to be tested more frequently if the regulatory authority deems necessary.

2. The customer shall be responsible for all costs associated with the installation, general maintenance, testing, upkeep, record keeping, and replacement of the approved backflow prevention assembly.

3. Where an owner of property leases or rents the same to any person as tenant or lessee, the owner or tenant or both may be held financially responsible for any of the requirements of this ordinance.

4. The customer shall be responsible for ensuring that the backflow prevention assembly tester is registered with the utility and the gauges used by the tester have been calibrated within one year of the testing date. Failure to comply with the requirements of this section will be grounds to reject the testing of the backflow prevention assembly and require retesting at the customer's expense.

(e) **Thermal Expansion.**

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.

(f) **Pressure Loss.**

Any reduction in water pressure caused by the installation of a backflow assembly is not the responsibility of the City.

Sec. 38-132. Customer Service Inspection Program.

(a) **Inspection Requirements.** A customer service inspection certification shall be completed prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross connections or other unacceptable plumbing practices exist, or after any material improvement, correction, or addition to the private plumbing facilities.

(b) **Inspector Qualifications.** Individuals with the following credentials shall be recognized as capable of conducting a customer service inspection certification:

1. Plumbing Inspectors and Water Supply Protection Specialists licensed by the Texas State Board of Plumbing Examiners.

2. Certified Waterworks Operators and members of other water related professional groups who have completed a training course, passed an examination administered by the Commission or its designated agent, and hold an endorsement granted by the Commission or its designated agent.

3. Licensed Plumbers may perform customer service inspections on single family residential services.

4. Registered Professional Engineers.

5. Registered Sanitarian.

(c) **Inspection Certification Report.**

Copies of properly completed Water Service Inspection Certifications will be kept on file by the City and made available, upon request, for Commission review. The certifications shall be retained for a minimum of ten years. If the certification form included in this Section is not used, the Inspection Certifications must minimally include the name and registration number of the inspector, the type of registration (Plumbing Inspectors, Water Supply Protection Specialists, Certified Operator, etc.) and be dated and signed. It must also certify that:

1. No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination are isolated from the public water system by an air-gap or an appropriate backflow prevention assembly in accordance with state plumbing regulation. Additionally, all pressure relief valves and the thermal expansion devices are in compliance with state plumbing codes.

2. No cross connection between the public drinking water supply and a private water source exists. Where an actual air gap is not maintained between the public water supply and private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester.

3. No connection exists which would allow the return of water used for condensing, cooling, or industrial processes back to the public water supply.

4. No pipe or pipe fitting which contains more than 8.0% percent lead exists in private plumbing facilities installed on or after July 1, 1988.

5. No solder or flux which contains more then 0.02% percent lead exists in private plumbing facilities installed on or after July 1, 1988.

6. No plumbing fixture is installed which is not in compliance with the state-approved plumbing code.

(d) **Inspection Fees.**

Any inspection completed within the city limits shall be charged according to the normal permit fees established. The City Council shall set the fee for inspection systems outside the city limits by resolution.

Sec. 38-133. Closing Provisions.

(a) **Responsibilities.**

It is the responsibility of all property owners and their tenants and occupants to abide by the conditions of this ordinance. In the event of any changes to the plumbing system, it is the responsibility of the property owners to notify the City. All costs associated with this ordinance and the purchase, installation, testing and repair of devices is the responsibility of the property owner and their tenants.

(b) **Enforcement and Penalties.**

1. The Director and the City Attorney, and each of them, are hereby authorized to enforce the provisions of this ordinance by any one or more of the enforcement mechanisms set forth in this ordinance.

2. The representatives of the water system or agents of the City charged with enforcement of this ordinance shall be deemed to be performing a governmental function for the benefit of the general public and neither the City, the Director nor representative of the water system or agent of the City engaged in inspection or endorsement activities under this ordinance when acting in good faith and without malice shall ever be held liable for any loss or damage, whether real or asserted, caused, or alleged to have been caused, as a result of the performance of such governmental function.

3. Failure on the part of any customer to discontinue the use of all cross connections and to physically separate cross connections is sufficient cause for the immediate discontinuance of public water service to the premises.

4. Violations. A person commits an offense if:

a. He fails to maintain backflow prevention assemblies in compliance with this section.

b. He fails to comply with a repair order issued by the regulatory authority or the City.

c. Any backflow from premises he owns, operates or manages enters the public water supply system.

d. Fails to pay any fees required by this article.

e. He violates any section of this article.

f. He reinstates water service to premises discontinued or disconnected under this article, except as directed by the regulatory authority.

g. He allows an unregistered tester to perform testing work at their establishment.

h. He tests a backflow prevention assembly within the City without being registered with the regulatory authority and the City.

i. He tests a backflow prevention assembly within the City without being certified by the TNRCC.

5. **Temporary disconnection of water service**. When the Director believes that an emergency affecting public health or safety exists, the director may immediately discontinue water service. It shall be an emergency affecting public health and safety, if an approved backflow prevention assembly is not installed as required by this chapter or an actual cross connection between the public and private water system exists. The temporary disconnection will continue until the cross connection is eliminated as required by this chapter. Reasonable advance notice and an opportunity to be heard shall be provided to the customer if it is not an emergency. If it is an emergency, notice and an opportunity to be heard shall be provided to the customer as soon as possible after the disconnection of such water service.

6. **Refusal of water service**. Failure to obtain and comply with the appropriate plumbing or building permits shall result in placement of a hold on the issuance of certificate of occupancy and termination of water service provided during construction.

7. Failure to comply with this ordinance is a criminal offense.

8. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance and this code shall be fined not more than two hundred dollars ($200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

9. Any persons violating any of the provisions of this ordinance shall become civilly liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter fees and other expenses of litigation by appropriate suit against the person found to have violated this ordinance or the orders, rules, regulations, and permits issued hereunder.

PART 2: Chapter 38, entitled, "Water, Sewers and Sewage Disposal," of the Code of Ordinances of the City of Temple, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

PART 3: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PART 4: It is the intention of the City Council that this ordinance shall become a part of the Code of Ordinances of the City of Temple, Texas, and may be renumbered and codified therein accordingly.

PART 5: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

PART 6: The Code of Ordinances of the City of Temple, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

PART 7: 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 Open Meetings Act.

PASSED AND APPROVED on First Reading on the **18th** day of **October**, 2001.

PASSED AND APPROVED on Second and Final Reading on the **1st** day of **November**, 2001.

THE CITY OF TEMPLE, TEXAS

KEIFER MARSHALL, JR., Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney