



## **ORDINANCE 2006-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS AMENDING ORDINANCE 2004-02 OF THE PLUMBING CODE OF TOM BEAN, TEXAS, BY ADDING A NEW SECTION (1.1) TO BE ENTITLED CROSS CONNECTION CONTROL PROGRAM; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IN OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS:**

**Section 1:** That Ordinance 2004-02 of the Plumbing Code of the City of Tom Bean, Texas, be amended to add a new section (1.1), such section to read as follows:

### **Cross-Connection Control Program**

#### **A. General:**

1. 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 Texas Commission on Environmental Quality Rules and Regulations for Public Water Systems (TCEQ Rules) and this Ordinance. The water purveyor shall discontinue water service if a required backflow prevention assembly is not installed, maintained and tested in accordance with the TCEQ Rules and this Ordinance.

#### **B. Backflow Prevention Assembly Installation, Testing and Maintenance:**

1. All backflow prevention assemblies shall be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection

against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester.

2. All backflow prevention assemblies shall be installed and tested in accordance with the manufacturer's instructions, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14) or The University of Southern California Manual of Cross-Connection Control.

3. Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Original forms of such test, repairs, and overhaul shall be kept and submitted to the City of Tom Bean, Texas within five (5) working days of the test, repair, or overhaul of each backflow prevention assembly.

4. No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the City of Tom Bean, Texas. Whenever the existing assembly or device is moved from the present location or cannot be repaired, the backflow assembly or device shall be replaced with a backflow prevention assembly or device that complies with this section. The American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual), current addition, University of Southern California Manual of Cross-Connection Control, current addition, or the current Plumbing Code of the City of Tom Bean, Texas, whichever is more stringent.

5. Test gauges used for backflow prevention assembly testing shall be calibrated at least annually in accordance with The American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current addition, or The University of Southern California's Manual of Cross-Connection Control, current addition. The original calibration form must be submitted to the City of Tom Bean, Texas within five (5) working days after calibration.

6. A recognized backflow prevention assembly tester must hold a current endorsement from the Texas Commission on Environmental Quality (Commission).

### **C. Customer service Inspections**

1. A customer service inspection shall be completed prior to providing continuous water service to all new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other contaminant hazards exist, or after any material improvements, correction, or addition to the private water distribution facilities.

2. Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:

- a. Plumbing Inspectors and Water Supply Protection Specialists that have been licensed by the Texas State Board of Plumbing Examiners.
- b. 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 a current endorsement issued by the Commission.

3. The Customer Service Inspection must certify that:

- a. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly.
- b. No cross-connection between the public water supply and a private water source exists. Where an actual properly installed air gap is not maintained between the public water supply and a 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.
- c. No connection exists which allows water to be returned to the public drinking water supply is permitted
- d. No pipe or pipe fitting which contains more than 8% lead may be used for the installation or repair of plumbing at any connection that provides water for human use.
- e. No solder or flux which contains more than .2% lead can be used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one lead test shall be performed for each inspection.

**Section 2: REPEAL**

That all Ordinances that are in conflict with the provisions of this Ordinance be, and the same are hereby repealed and all other Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section 3: SEVERABILITY**

It is hereby declared to be the intention of the City Council of the City of Tom Bean, Texas that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

**Section 4: ENFORCEMENT**

Any person who violates the Ordinance is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00) for each day that one or more of the provisions in this Ordinance is violated. Each day shall constitute a separate offense. If a person is convicted of one or more distinct violations of this Ordinance, the Public Works Director shall upon due notice to the customer discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at twenty five dollars (\$25.00) and any other costs incurred by the City of Tom Bean, Texas in discontinuing service. In addition, suitable assurance must be given to the Public Works Director that the same action shall not be repeated while the Ordinance is in effect. Compliance with this Ordinance may also be sought through injunctive relief in the district court.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS THIS 11<sup>TH</sup> DAY OF APRIL, 2006.**

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**Mayor - City of Tom Bean, Texas**

**Attest:**

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**City Secretary**