

ORDINANCE 2019-10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS, AMENDING CHAPTER 13, "UTILITIES," OF THE CITY OF LA FERIA CODE OF ORDINANCES, BY ADDING A NEW ARTICLE 13.09, TO BE ENTITLED "CROSS-CONNECTION CONTROL PROGRAM;" PROVIDING A REPEAL CLAUSE AND A SEVERABILITY CLAUSE; ESTABLISHING PENALTIES FOR THE VIOLATION OF THESE RESTRICTIONS AND PROVISIONS FOR THEIR ENFORCEMENT; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of La Feria, as a home-rule City of the State of Texas, may adopt and enforce ordinances necessary to protect health, life, property and the general welfare of its citizens;

WHEREAS, the creation of a Cross-Connection Control Program helps protect the public water system from potential contamination by requiring specific protocols and equipment be employed and administered in key locations throughout the local water system;

WHEREAS, the City of La Feria will work with the Texas Commission of Environmental Quality (TCEQ) to implement, administrate, and oversee this Program for the benefit of the public; and

WHEREAS, the City of La Feria finds that employing such a Program will contribute to an improved quality of life and the general welfare of the citizens of La Feria;

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS:

SECTION 1.

That Chapter 13 of the Code of Ordinances of the City of La Feria, Texas, be amended to add a new Article 13.09, to read as follows:

Article 1309. Cross-Connection Control Program

a. Definitions

1. Manual M 14: The American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control, current edition.
2. TCEQ: The Texas Commission on Environmental Quality.

3. 290 Rules: The TCEQ's rules and regulations for public water systems, which appear in Title 30, Texas Administrative Code, Chapter 290.

b. 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 290 Rules and this ordinance. The water purveyor 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.
2. No backflow protection at the water service meter is required where an adequate internal cross-connection control program is in place.

c. Installation, Testing, and Maintenance of Backflow Prevention Assembly

1. All backflow prevention assemblies must be tested upon installation by a licensed backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies that are installed to protect 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. Backflow prevention assemblies installed on fire suppression systems must be tested by a backflow prevention assembly tester permanently employed by an approved fireline contractor.
3. Gauges used for backflow prevention assembly testing must be tested for accuracy at least annually in accordance with the AWWA's Manual M14 or the current edition of the University of Southern California's Manual of Cross-Connection Control. A copy of the gauge accuracy test report must be submitted to the City of La Feria to demonstrate the gauge has been tested for accuracy.
4. A recognized backflow prevention assembly tester must hold a current license issued from the TCEQ.

d. Customer Service Inspections

1. A customer service inspection must be completed before the provision of 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 improvement, 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. Customer service inspectors that have been licensed by the TCEQ.

3. The customer service inspection must certify that:

- A. No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination must 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 that allows water to be returned to the public drinking water supply.
- D. No pipe or pipe fitting that contains more than 0.25 percent lead is used for the installation or repair of plumbing at any connection that supplies water for human use.
- E. No solder or flux that contains more than 0.2 percent lead is used for the installation or repair of plumbing at any connection that provides water for human use.

e. Irrigation Systems

- 1. Any irrigation system that is connected to a public or private potable water supply must be connected through a backflow prevention assembly approved by the Texas Commission on Environmental Quality.
- 2. Backflow prevention assemblies installed on irrigation systems that are classified as health hazards must be tested at least annually.

SECTION 2. REPEAL.

All ordinances that are in conflict with the provisions of this ordinance 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.

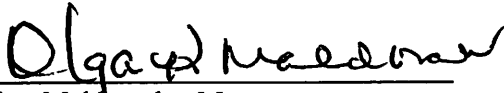
The phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance.

SECTION 4. ENFORCEMENT.

A violation of this ordinance is a misdemeanor and, upon conviction, any person who violates this ordinance shall be punished by a fine of not less than \$100 and not more than \$500.

Each day that one or more the provisions in this ordinance is violated shall constitute a separate offense. If a person is convicted of two or more distinct violations of this ordinance, the City of La Feria shall, upon due notice to the customer, be authorized to 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 in Appendix A of the City of La feria Code of Ordinances.

Approved and ADOPTED on this the 12th day of November 2019.



Olga Maldonado, Mayor
City of La Feria

ATTEST:



Amanda Morales, City Secretary
City of La Feria