

**ORDINANCE NO. 18-2020**

**AN ORDINANCE AMENDING CHAPTER 32, "UTILITIES" OF THE ABILENE MUNICIPAL CODE BY INSERTING A NEW ARTICLE IX, "PLUMBING ORDINANCE", THAT PROVIDES FOR A CROSS CONNECTION CONTROL PROGRAM FOR THE CITY OF ABILENE, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY**

**WHEREAS**, the City of Abilene (City) owns and operates a Public Water System (PWS), Texas Commission on Environmental Quality PWS ID# 2210001; and

**WHEREAS**, the City's PWS includes approximately 43,000 direct retail connection points supplying potable water to residential, commercial, industrial, institutional, and governmental customer facilities each having private plumbing which is not a part of the PWS; and

**WHEREAS**, certain private facilities host functions and activities that have the potential to backflow into the PWS and create a public health hazard resulting in illness, death, spreading of disease, or having a high probability of causing these effects; and

**WHEREAS**, the City of Abilene desires the adoption of a comprehensive plumbing ordinance to strengthen the enforcement of the Cross Connection Control Program for the City of Abilene Public Water System to reduce the risk of health hazards due to backflow from connections of high risk facilities; and

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

**PART 1:** That Chapter 32, "Utilities", be amended with the insertion of a new Article IX "Plumbing Ordinance" as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

**PART 2:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

**PART 3:** That any person, firm, or corporation violating the provisions of this Ordinance, shall be subject to escalating enforcement actions and schedule of penalties described in this Article IX.


Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

**PASSED ON FIRST READING this 14th day of May, A.D., 2020.**

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 24th day of May, 2020, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 5:30 p.m. on the 28th day of May, 2020, to permit the public to be heard.


**PASSED ON SECOND AND FINAL READING this 28th day of May, 2020.**

ATTEST:

  
\_\_\_\_\_  
City Secretary

  
\_\_\_\_\_  
Mayor

APPROVED:

  
\_\_\_\_\_  
City Attorney



**EXHIBIT A- 18-2020**

**ARTICLE IX. PLUMBING ORDINANCE**

**Section 32-421. Cross Connection Control Program**

**a. Definitions**

- (1) **Manual M14:** 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.
- (4) **Health Hazard:** A cross-connection involving a substance that, once introduced into a potable water supply, causes illness or death, spreads disease, or has a high probability of causing these effects.

**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.
- (3) The use of a backflow prevention assembly at the service connection shall be considered as additional backflow protection and shall not negate the use of backflow protection on internal hazards

**c. Installation, Testing and Maintenance of Backflow Prevention Assemblies**

- (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 and repaired, as necessary 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 Abilene to demonstrate the gauge has been tested for accuracy.
- (4) A recognized backflow prevention assembly tester must hold a current license from the TCEQ and be registered with the City.

- (5) All backflow prevention assemblies must be installed and tested in accordance with the manufacturer's instructions, Manual M14 or the University of Southern California's *Manual of Cross-Connection Control*.
- (6) Assemblies must be repaired, overhauled, or replaced whenever the assemblies are found to be defective.
- (7) Original forms recording testing, repairs, and overhaul must be kept and submitted to the City of Abilene within ten working days of the date of the test, repair or overhaul of each backflow prevention assembly.
- (8) No backflow prevention assembly or device may be removed from use, or relocated, or other assembly or device substituted for it, without the approval of the City of Abilene.

**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 which would allow the return of water used for condensing, cooling or industrial processes back to the public water supply.
  - (D) No connection exists that allows water to be returned to the public drinking water supply.
  - (E) 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.
  - (F) 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 the public water supply must be connected through a commission-approved backflow prevention assembly.
- (2) Backflow prevention assemblies installed on irrigation systems that are classified as health hazards must be tested at least annually.
- (3) Backflow prevention assemblies installed on irrigation systems that are not classified as health hazards must be tested every three years and upon repair. Repair of an irrigation system shall mean the reconstruction or renewal of any part of an existing irrigation system, including without limitation, installation of a backflow prevention device, adding additional irrigation zones, reparation of a main irrigation line and valve replacement. For the purpose hereof, the replacement of a control box or sprinkler head(s) shall not be deemed to be a repair.

**Section 32-422. 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 32-423. 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 32-424 Enforcement**

Violation of any provision of this Ordinance shall be deemed a misdemeanor punishable as provided by Section 1-9 of the Code of Ordinances of the City of Abilene. Notwithstanding the above, in the event a violation results in an imminent risk to human health, safety or welfare, the City may immediately discontinue water service to the subject facility without notice. Notwithstanding the right to immediately discontinue water service without notice, as described herein, the City will attempt to provide notice as is reasonably practical under the circumstances presented. The City will provide customer with necessary information to properly reinstate service.

**Section 32-425. Fire-Hydrant Protection**

An approved reduced-pressure principle backflow prevention assembly (RPBA) is the minimum protection for fire hydrant water meters that are being used for a temporary water supply during any construction or other uses which would pose a potential hazard to the public water supply.

It is the responsibility of all persons engaging in the use of a fire-hydrant water meter to abide by the conditions of this article. All fire-hydrant meters must be associated with an active water customer account. Fire-hydrant water meter assemblies must be issued, installed and maintained by authorized water utility personnel.