

ORDINANCE NO. 2023-06

AN ORDINANCE REPLACING ORDINANCE 2006-09 AND REPEALING ORDINANCES 2007-02, 2009-03, AND 2016-05, ESTABLISHING RULES AND REQUIREMENTS RELATIVE TO PROVIDING WATER SERVICE.

WHEREAS, the City of Brazos Country has been operating the water system currently providing service within the City since October, 2003,

NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRAZOS COUNTRY, TEXAS:

DIVISION 1 IN GENERAL

Section 1 Definitions. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. *Combination residential and commercial/industrial user* shall mean an establishment containing any combination of uses which would qualify as a single-family residence and/or multiple-dwelling units and a commercial/industrial user.

B. *Commercial/industrial user* shall mean any business or establishment which does not meet the definition of residential user of water service. Residential users of water services shall mean either a single-family residence or a multiple-dwelling unit as follows:

1. *Single-family residence* – A residential establishment serving a single family or household.
2. *Multiple-dwelling units* - One (1) or more buildings, each equipped for occupancy by two (2) or more families or households. Manufactured housing, mobile home and/or travel trailer parks shall be classified as multiple-dwelling units.

Section 2 Fees and penalties for dishonored checks.

A. *Deposits.* If any person attempts to pay a required deposit by check or similar instrument and such instrument is dishonored, the service for which such deposit was made shall be subject to disconnection without notice and a processing fee equal to the maximum allowed by state law shall be assessed. A reconnection fee, if applicable, will be charged to the account for which such attempted payment was made. These fees can be found in the current water rate sheet in Section A.

B. *Account payment.* If any person attempts to pay an account bill by check or similar instrument and such instrument is dishonored, then the person obligated on the

corresponding account shall be notified by letter sent by United States first class mail that if he does not pay the bill, plus a processing fee as described in Section B of the current water rate sheet, in full, by cash or money order, within five (5) days, the service for which such bill was prepared shall be discontinued and the corresponding account will be charged a reconnection fee in accordance with the schedule in the current water rate sheet in Section H. A certificate of mailing by the United States Postal Service shall be prima facie evidence of delivery of such notice. The payment on an account by dishonored check or similar instrument shall constitute nonpayment and shall be subject to penalties thereof.

C. *Payment by cash, cashier's check or money order.* The City may refuse to accept payment by check or similar instrument from any person who has had three (3) or more payments to the City made by check or similar instrument dishonored. The City shall notify such person in writing that only cash, a cashier's check or money order will be accepted from that person.

DIVISION 2 WATER SERVICE

Section 3 City's reserved rights; liability exemption

A. *Shutting off all water; purposes.* The City reserves the right at any time to shut off the water in its mains for the purpose of cleaning, repairing or making any connections or extensions, or for the purpose of repairing machinery, reservoir or any part of the waterworks system.

B. *Exemption from liability.* The City shall not be liable for any damages on account of leakage or breakage of pipes on any premises.

C. *Proof of ownership.* Whenever ownership is a prerequisite to any right in this article, the City reserves the right to consider any reasonable proof thereof.

D. *Right to make other rules.* The City reserves the right to make such other rules and regulations as may be necessary for the preservation, protection and economical administration of its water system.

Section 4 Right of entry; time; purposes.

Every person taking water from the City shall, at all reasonable times, permit any City water employee, or other officer or agent of the City, to enter his premises or buildings to examine his water pipes and fixtures, the manner in which the water is used and for the purpose of repairing, reading or testing the meters.

Section 5 Securing pipe repairs; persons authorized to receive notice.

All repairs of the City's pipes, whether made necessary from leaks or other causes, will receive attention by giving information to a City water service employee, City Secretary, or other officer or agent of the City.

Section 6 Property rights designated.

A. *Pipe; property line.* The property of the City ends and the property of the landlord or property owner begins where the service pipe running on the premises connects with the curbstop at the meter.

B. *Water meter and box.* Each water meter and box shall be the property of the City and shall be subject to inspection, readings, repairs and removal by the City at all times. Each water meter and box shall be installed outside and adjacent to the property limits conveniently accessible to the City.

Section 7 Service line – Distance from main.

A. *Distance furnished by the City.* The administration fee as set in the current water rate sheet, Section K and F shall include the cost of furnishing service lines to the property line of any person living in the City on the effective date of the ordinance from which this section is derived for a distance of not more than one hundred twenty (120) feet in open cut from any existing service line or main where there is or will be only one (1) consumer to be supplied from such service line.

B. *Payment by consumer.* Any person within the City limits desiring a service line that requires the laying of more than one hundred twenty (120) feet of line will be furnished water by the City by paying for any additional line over and above one hundred twenty (120) feet.

C. *Connections required.* Any person using water service within the corporate limits of the City who does not meet the exception guidelines provided in Section 36 must connect to the City service line or main when the service line or main exists within one hundred twenty (120) feet of that person's property. Any person who has a service line or main available in accordance with this subsection must make connection within thirty (30) days of such availability. Failure to make a connection to such service line or main shall constitute a violation of this subsection and persons in violation hereof shall be subject to the fines and penalties as described in Section G of the current water rate sheet and as may be allowed by other City Ordinances or State and Federal law.

Section 8 Same – Outside City limits; to City boundary.

The City will not lay or furnish service lines outside the City limits except upon approval by a majority vote of City Council. The applicant must pay for any extension of service lines required to serve his property.

Section 9 Meter installation; separate meters; charges outside City.

A. *Inside City.* The City will furnish meters and install meters within the City limits. Each separate house or premises must be provided with a separate meter and connection and is subject to all the rules and regulations contained in this article.

B. *Outside City; installation fee.* Each consumer outside the City limits must pay the regular installation fee as set forth in Section F of the current water rate sheet, plus an additional amount representing ten (10) percent of the regular fee.

C. *Outside City; separate meters.* Each separate house or premises outside the City must be provided with one (1) separate meter and connection, is subject to all the rules and regulations contained in this article and shall pay the rates for water service as set forth in Section J of the current water rate sheet.

Section 10 Contract of supply; no specified quantity; ample for purposes named; violations; rationing of water.

A. Water consumers are not guaranteed a specified quantity of water for any purpose whatsoever but simply an ample quantity for the purposes named in the application. All other purposes to which water may be applied is a direct violation of the agreement made between the City and consumer at the time of granting the application, and any persons so violating such agreement shall be subject to the fines and penalties as described in this ordinance and as may be allowed by other City Ordinances or State and Federal law.

B. The City Council shall declare when an emergency water shortage exists, requiring the rationing of water in the City to provide protection, protect City equipment, and to protect the health of the citizens of the City. If the council is unable to promptly convene to make such declaration of an emergency, the Mayor may declare such an emergency water shortage. Upon declaration of an emergency, the council, or the Mayor, acting if the council is unable to convene, shall adopt a water rationing plan as submitted by the Mayor. Such plan may provide for the Mayor to declare an end to water rationing upon certain conditions and may allow the Mayor to grant variances from the water rationing plan and set forth water use restrictions or prohibitions and other provisions. Any persons violating a water rationing plan adopted by the council or the Mayor will be subject to the fines and penalties described in Section G of the current water rate sheet and as may be allowed by other City Ordinances or State and Federal law.

Section 11 Tapping water mains; City water service employees only; consent.

No plumber or other person, except the water service employees of the City or other officer or agent of the City, shall be allowed to tap any street main or pipes belonging to the City or to do any work in the streets, alleys or public grounds in connection with the laying of the street service connections and in connection with their mains, without the consent of the City. Persons violating this provision shall be subject to the fines and penalties as described in Section G of the current water rate sheet and as allowed by other City Ordinances or State and Federal law.

Section 12 Application for service; required signature; location.

A. Application for the introduction of water on any premises in the City must specify the location of the premises and be either signed by the owner of the premises or signed by the applicant. If water is used at a premises for which a water services application has not been made, then the owner of the premises shall be billed for the water so used and shall be responsible for the payment thereof.

B. No water service will be furnished to any person who is indebted to the City for any utility-related debts.

Section 13 Deposit; use and final disposition.

A. *Required amount.* Deposits as set forth in Section C of the current water rate sheet shall be paid to the City at the time of applying for the water to be turned on at the premises.

B. *Service transfers.* A customer who applies for a transfer of an existing service account to different premises within the City shall be required to make the deposits referred to in Section C of the current water rate sheet and pay the administration fee set forth in Section K of the worksheet. Any amounts on deposit with the City for any transferred account shall be applied first toward the payment of any amounts owed on such account and any amounts remaining on deposit shall be refunded to the customer in accordance with Paragraph F of this section. However, any customer who has not had a delinquent account within the last six (6) months may request a transfer of any amounts on deposit with the City to any new account.

C. *Short-term water service for other than construction purposes.* Short-term water service of fifteen (15) days or less for other than construction purposes, such as maintenance, shall not require a deposit to be placed with the City. The customer requiring such service will, however, be required to pay the minimum monthly charge for such service requested prior to the connection of such service. Upon termination of short-term service, any usage exceeding the minimum monthly charge shall be billed.

D. *Construction water usage.* Short-term water service to be used during any construction project within the City limits shall require a deposit as found in Section D of the current water rate sheet. Upon receipt of an application for service and the required deposit, the City shall provide a meter for the purpose of measuring the construction water usage. The meter shall be read in accordance with Section 26 and water usage shall be billed at the rate found in the current water rate sheet, Section D.

E. *Bulk water usage.* Bulk water usage shall be in compliance with the following:

1. Customers requesting bulk water service for a fixed quantity shall not be required to make a deposit. Customers requesting bulk water for an unspecified quantity shall be required to pay a deposit as described in Section E of the current water rate sheet.

2. Bulk water shall be defined as water to be taken in a container in a measured capacity which does not require a metering device.

3. The taking of bulk water shall be during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays, unless an application for after-hours delivery is filed by the customer and approved by the Mayor.

F. *Refunds.* Deposits shall be held by the City as long as the customer continues to use water at the premises for which such deposit was made. Upon request, a deposit will be refunded to the customer after all obligations on any account for water with the City have been satisfied. If no request for a refund is made within three hundred sixty-five (365) days from the date service is discontinued, any amounts remaining on deposit after payment of all amounts owed on such account shall be forfeited to the City.

Section 14: Tapping water mains; connection rates; service initiation fees.

A. The uniform charge for tapping the water mains and conveying the water up to and including the curb-stop, water meter and box at the property line shall be as set forth in the current water rate sheet, Section F.

B. Any additional fee not included in current water rate sheet shall be paid by a person requesting a tap into the City's water mains. For example, an extension of pipe by boring under existing street pavement. The fee shall be set by the City, and shall be calculated to recover the full cost of performing the extra services.

Section 15 Reserved

Section 16 Restoring terminated water service.

No plumber or other person shall restore any water service to premises for which the City has terminated water service without consent of the City. If it is determined by inspection of the City that terminated water service has been restored at a specific location without such consent, the customer in whose name the account appears or the owner of the property, if the account is inactive, shall be assumed to have restored the water service. Any person violating this section shall be subject to the fines and penalties described in Section G of the current water rate sheet and as may be allowed by other City Ordinances or State and Federal law.

Section 17 Reserved

Section 18 Curbstop and waste connection; location.

Every water connection with the City system shall be furnished and provided with a curbstop and waste valve of good quality and approved by the City, to enable water supply cutoff by the owner or occupant (or their representative) of the premises to be served, same to be located on the private property to be served and placed one (1) foot from the City water meter at the property line connection and below the action of frost and which curbstop and waste valve may be used for draining the supply pipe to prevent freezing and for turning off the water for repairs. In a building having two (2) or more apartments, each

apartment shall be controlled by a separate curbstop and waste valve, same to be in addition to such curbstop required near the City meter.

Section 19 Multiple users of same service.

A. *Each party liable for minimum charges.* In case two (2) or more parties or families are supplied with water from the same service pipe, but occupy separate buildings or separate offices or parts of the same building, each party or family shall be liable for and pay not less than the minimum water charges for each building, office or part of the same building.

B. *Owner's liability for bill.* The owner of the building or premises shall be liable to the City for all water charges when the building is occupied by or leased to more than one (1) tenant.

C. *Cutting off supply upon default.* If any one (1) user of water from the same service line becomes delinquent or refuses to pay his part of the water charges, then the water service may be cut off by the City and remain cut off until all water charges in arrears have been fully paid.

Section 20 Vacant houses; notice required; charge if not disconnected.

Any consumer of services at any premises that will be vacant for any period of time must give notice of such vacancy to the City so that the water service may be turned off. If water service is left on during the vacancy, at least the minimum charge will be applied.

Section 21 Waste or unreasonable use; city's remedies; frozen pipes.

A. *Fraudulent representations; unauthorized use; waste; authorized action.* In case of fraudulent representations on the part of the applicant or the use of water for purposes not embraced in the application or lease or of willful or unreasonable waste of water, the City shall have the right to forfeit any payment made, turn off the water and recover all damages.

B. *Frozen pipes; no deduction.* No deduction will be made for the time any service pipe may be frozen.

Section 22 Credit adjustments; payment extensions.

A. A customer who deems his account to have had an extraordinary increase in consumption may appeal to the City for a credit adjustment. This appeal shall be made in writing and will denote all the relevant facts relating to the situation as known by the customer. Upon examining the facts, the City shall render a decision in writing to the customer explaining the City's decision and the credit adjustment to be given, if any. Consideration may be given for unavoidable leaks and unexplainable consumption in accordance with the following guidelines:

1. If a customer has an average of less than three hundred thousand (300,000) gallons of water usage per month based on the prior twelve (12) months of historic usage, consideration may be given for unavoidable leaks and unexplainable consumption which amounts to one hundred fifty (150) percent or more of the normal consumption for that account with normal consumption defined as the consumption of the same account for the same month in the prior year or the average consumption for the account for the past twelve (12) months, whichever is greater.

2. If a customer has an average of over three hundred thousand (300,000) gallons of water usage per month, based on the prior twelve (12) months of historic usage, and the customer has documented proof of a repaired leak, consideration may be given for a credit adjustment calculated in the following manner:

Compare the amount billed to the twelve-month average bill and to the amount billed in the same month in the prior year. A credit adjustment may be given in the amount of one-half (1/2) of the lower of the two (2) differences.

B. If a customer has a verifiable hardship due to illness, disability, unemployment, or similar situation, an extension may be granted, not to exceed thirty (30) days. Such request shall be in writing and will denote all the relevant facts relating to the situation as known by the customer. Upon examining the facts, the City shall render a decision in writing to the customer explaining the City's decision and the terms and conditions of the extension to be given, if any. Except in extreme hardship cases, the extension may not be granted past the due date of the following month's bill.

Section 23 Termination.

A. *Notice and appeals.* Except as provided in Paragraph D of this section, payments on accounts received by the City after 5:00 p.m. of the fifteenth day after the billing date printed on the bill, as set forth in Section 26, shall be subject to a penalty of ten (10) percent of the unpaid current balance. The City may, in its discretion, render such accounts delinquent and disconnect service for failure to pay all charges, including penalties, by the twenty-fifth day after the billing date. The City may also disconnect service for violation of any provisions in this section. Prior to disconnecting services, the City shall send written notice by United States first-class mail to the customer whose account is delinquent at the address of the connection and provide the customer with an opportunity to appeal such disconnection to the City Council. The written notice shall inform the customer of the amount of the delinquent account, the date service will be disconnected if payment is not made; the right to request an appeal no less than five (5) days prior to the scheduled date of disconnection, if disputed; the date, time and place a hearing on such appeal may be held; and the name and phone number of the City employee, officer, or agent to schedule an appearance for appeal. The notice shall be deposited, postage paid, in a post office or official depository under the care and custody of the United States Postal Service at least ten (10) days prior to the scheduled date of disconnection. A certificate of mailing by the United States Postal Service shall be prima facie evidence of delivery of such notice. If the customer elects to appeal the scheduled disconnection, the mayor, or his designee, is authorized to attempt settlement of the

dispute with the customer and make recommendations to the City Council at the hearing on such appeal. The City Council shall hear and consider the matter and any recommendations made by the mayor at such hearing and inform the customer of the City Council's determination by sending written notice by United States first-class mail to the customer at the address of the connection.

B. *Reconnection fees.* Water service shall be terminated for nonpayment by closing the curbstop. If service to an account terminated is restored without approval of the City, the City may, at its sole discretion, pull the meter for the discontinued service. Water service shall not be restored after termination until all amounts due on the account have been paid, together with the required reconnection fee found in Section H in the current water rate sheet.

C. *Required deposit.* The deposit amount required before restoring water service to any person whose account with the City has been terminated in accordance with Paragraph A of this section shall be described in Section C in the current water rate sheet.

D. *Payment by governmental agency.* Payment on an account of a state or political subdivision is due not later than the thirtieth day after receipt of the bill in accordance with and subject to the provisions and penalties prescribed in V.T.C.A., Government Code § 2251.001 et seq., and are not subject to penalty provisions as prescribed in this section. However, such accounts are subject to all other fines and fees as prescribed herein.

E. *Persons indebted to City.* No water service will be furnished to any person who is indebted to the City for any utility-related debts.

Section 24 Metering service – Required.

All service shall be properly metered by a standard water meter, which shall be the property of the City and shall be kept in repair by the City.

Section 25 Same – Not registering; determination of bill.

Where meters are found not to register, the rate of the previous month will be taken as a basis for the amount of water consumed and payment shall be made accordingly.

Section 26 Monthly bills; date of payment.

All meters shall be carefully read once each month, and the bills therefore shall be prepared accordingly. Bills shall be due and payable on the due date printed on the bill. If a bill is not paid in full by the due date, the account for which the bill was prepared shall become subject to a penalty as prescribed in Section I of the current water rate sheet and may be declared delinquent and service terminated in accordance with Section 23, and the customer shall become subject to all the fines, penalties and fees prescribed on the current water rate sheet.

Section 27 Metered rates.

A. 1. *Rates for customers.* The City will furnish water through meters, and the charges/rates for all types of customers are found in the current water rate sheet, Section J. The type of customers includes single-family residences, multiple-dwelling units, commercial/industrial users, and combination residential and commercial/industrial users.

2. *Penalty for late payments.* All fees become due upon the City's issuance of a monthly bill and are payable on the date stated on the bill. Payments received after the due date stated on the bill shall be subject to a penalty on the unpaid current balance. The penalty can be found on the current water rate sheet, paragraph I. Residential accounts for the principal residence only of persons over the age of sixty-five (65) shall not be subject to the penalty for late payments as prescribed. Persons over the age of sixty-five (65) may declare only one principal residence for which he is responsible for payment of the monthly bill. However, such accounts are subject to all other fines and fees as prescribed herein.

B. The administrative fee for turning on water for all users is found in the current water rate sheet, Section K.

C. All users of City water service outside City limits shall pay one and one-half (1 ½) times the amount of the applicable minimum charge as set forth in the current water rate sheet as well as charges for water used above the minimum charge.

D. Customers shall be billed minimum charges for the first and last months of service for water service on a prorated basis of the actual number of days service was provided.

Section 28 Laying pipes across streets; written consent.

It shall be unlawful for any person to lay or maintain any water pipe across any street or alley within the City without written consent from the City.

Section 29 City apparatus – Tampering; valves, meters, etc.

It shall be unlawful for any person to turn on or off the water from any street valve, curbstop, meter connection or box, or in any manner interfere with any street valve covering, fire hydrant, or other apparatus belonging to the City water system, without consent from the City.

Section 30 Same – Damaging.

It shall be unlawful for any person to damage any property of the City waterworks.

Section 31 Street hydrants, fire plugs.

No person shall use the water from any street hydrant or fire plug without consent from the City.

Section 32 Pollution.

No person shall defoul, pollute, put in, or allow any offensive matter to enter the City water system.

Section 33 Hitching animals to fire hydrants, pipes and fixtures.

No person shall hitch or stand any animal to any of the fire hydrants, pipes or fixtures of the City waterworks.

Section 34 Fraudulent devices for procuring water; permit required.

Any person building or making repairs, alternations or additions to mains or pipes of the City water system, without a written permit from the City specifying the particular repairs, alterations or additions to be made, or who may resort to any fraudulent device or arrangement for the purpose of procuring water for himself or others from the mains or from private connections or premises contrary to the rules and regulations of the City shall be subject to the fines and penalties as described in Section G of the current water rate sheet and as may be allowed by other City Ordinances or State and Federal law.

Section 35 Consumer supplying others; extending private line; permit requirements.

A. *Supplying other with water.* No consumer shall supply water to or allow it to be taken by other persons or families except for use on the premises.

B. *Making extensions or taps on individual supply; permit requirements.* After water is introduced into any building or upon any premises, no consumer shall make or employ any plumber or other person to make any tap or connection with the works upon his premises for alterations, extensions or attachments without a written permit from the City specifying the particular change to be made and the plumber or other person authorized to make such change.

C. *Violations.* Any violation of any of the prohibitions contained in this article shall subject the water to be summarily cut off.

Section 36 Private water wells.

It shall be unlawful for any person to drill any private water well for potable water service within the City limits when City water service is available. Private water wells used for potable water service existing on the effective date of this ordinance shall be allowed to continue to be used.

A person using a private water well for potable water service on the effective date of this ordinance shall be subject to one of the following conditions:

A. If a person wants to maintain capabilities to receive City water service while maintaining an existing private potable water well, the person shall pay at least the monthly minimum charge for the capability and shall install and maintain an approved cross-connection control in accordance with Division 3 of the ordinance; or

B. The City shall remove the existing water meter and City water service will not be available to use without complying with the provisions of this ordinance for reconnections.

A person, on the effective date of this ordinance, with an operating private water well that is not connected for use as potable water but wants to use the private water well for potable water service, within sixty (60) days after the effective date of this ordinance, shall notify the City of their intent to comply with Paragraph A or Paragraph B above. If the capability to maintain City water service is chosen, the person shall complete the installation, testing, and inspection within the said sixty (60) days.

Section 37 Reserved

DIVISION 3 CROSS-CONNECTION CONTROLS

Section 39 Responsibility.

A. *The City.* The City is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this division and to prevent water from unapproved sources to enter the potable water system. No water service connection to the premises of a type specified in this division shall be installed or maintained unless the public water supply is protected as required by this division.

B. *The user.* The user shall not allow any pollutants and contaminants to enter the public potable water system from the point of delivery from the public potable water system. The user shall at his own expense install, operate, test and maintain approved backflow preventive assemblies as directed by the City.

Section 40 Definitions.

The following words and terms, when used in this division shall have the following definitions, unless the context clearly indicates otherwise:

Approved means accepted by the City as meeting an applicable specification stated or cited in this division as suitable for the proposed use.

Auxiliary water supply means any water supply on or available to the premises other than the public potable water supply, including, but not limited to, water from another purveyor's public potable water supply, treated effluent, wastewaters or industrial fluids.

Backflow means the reversal of the normal flow of water caused by either backpressure or backsiphonage.

Backflow preventive assembly means an assembly or means designed to prevent the reversal of the normal flow of water caused by either backpressure or backsiphonage.

(1) *Air gap*. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of said vessel. Any approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the overflow rim of the vessel, and in no case less than one (1) inch.

(2) *Reduced pressure principle assembly*. An assembly of two (2) independently acting approved check valves with hydraulically operating, mechanical independent differential pressure relief valve located between the check valves and, at the same time, below the first check valve. The unit shall include properly located test cocks and tightly closing shutoff valves at each end of the assembly. The entire device shall meet the design and performance specifications as determined by a recognized laboratory and approved by the City for backflow prevention assemblies. To be approved, these devices must be readily accessible for in-line testing and maintenance.

(3) *Double check valve assembly*. An assembly of two (2) independently operating approved check valves with tightly closing shutoff valves on each end of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance standards as determined by a recognized laboratory and approved by the City for backflow prevention assemblies. To be approved these devices must be readily accessible for in-line testing and maintenance.

(4) *Pressure vacuum breaker assembly*. An assembly containing an independently operating loaded check valve and an independent operating loaded air inlet valve located on the discharge side of the check valve. The assembly will be equipped with properly located test cocks and tightly closing shutoff valves located at each end of the assembly.

Backpressure means the flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply from any source other than the intended source.

Backsiphonage means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than its intended source caused by the reduction of pressure in the potable water supply system.

City means the City of Brazos Country, Texas.

Contamination means an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

Cross-connection means any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one (1) of which contains potable water and the other nonpotable water or industrial fluids through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy section of pipe, swivel or change-over devices or sliding multiport tube.

Pollution means the presence of any foreign substance (organic, inorganic or biological) in the water which tends to degrade its quality so as to constitute a hazard or impact the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

Tester, certified shall mean a person who has proven his/her competency to the satisfaction of the City. Each person certified to make competent tests or to repair, overhaul and make reports on backflow preventive assemblies shall be conversant with the applicable laws, rules and regulations and have had experience in plumbing or pipe fitting or have other qualifications which are equivalent in the opinion of the City. A certified tester must complete and meet all requirements as established by the Texas Commission on Environmental Quality.

Water, nonpotable means water which is not safe for human consumption.

Water, potable means any water which, according to recognized standards recognized by the City, the Texas Commission on Environmental Quality and the United States Environmental Protection Agency, is safe for human consumption.

Water, service connection means the terminal end of the service connection from the public water system at its point of delivery to the user's 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. Unprotected takeoffs from the service line will not be permitted upstream of any meter or any backflow prevention device located at the point of delivery to the user's water system. Service connection shall also include water service connection from a fire hydrant and other temporary or emergency water service connections from the public potable water system.

Section 41 Approval.

A. Backflow preventive assemblies required hereunder shall be approved by the City and shall be installed by and at the expense of the user.

B. The City may approve backflow assemblies when such assemblies have met the criteria set forth in Section 44.

C. Assemblies shall be specified and located on the construction plans for all new buildings, additions with new service, and changes of use of existing buildings where required by Section 43. Approval shall be obtained prior to issuance of the building permit.

Section 42 Installation of devices.

A. Assemblies may be installed at the service connection or near the property line but in all cases before the first branch line leading off the service line, and in an accessible location approved by the City.

B. Backflow preventive assemblies shall have at least the same cross-sectional area as the water service and/or water meter. In those instances where a continuous water supply is necessary, two (2) sets of backflow preventive assemblies shall be installed in parallel, if the water supply cannot be interrupted for the testing of the assemblies.

C. No bypass shall be installed around backflow preventive assemblies.

D. Double check valve assemblies shall be installed as prescribed by the City. These assemblies may be installed below ground in a vault, if approved in writing, on a case-by-case basis by the City.

E. Reduced pressure principle assemblies shall be installed above ground and as prescribed by the City.

F. All pressure-type backflow prevent assemblies, which are designed for periodic field testing, shall be equipped with gate valves on both the upstream and downstream side of the assembly. In addition, test cocks shall be provided and located so that test equipment may be connected to the assembly at such points that the pressure in each pressure zone may be detected and, in addition, a test cock shall be located upstream of the upstream gate valve as close as possible to the upstream gate valve.

Section 43 Backflow preventive assembly, general application.

A. An approved backflow assembly of the type specified in this section shall be the minimum installation of each device connection (whether from a fire hydrant, temporary regular or other water service connection for the following types of general applications.) Each user shall be considered on a case-by-case basis and final determination of device type shall be made by the City.

B. Any premises where water supplied by the City is subject to deterioration in sanitary quality and there is the potential for its entry into the public water system shall be protected as required by the City.

Backflow Preventive Assembly General Provisions

TABLE INSET:

	Non-Health Hazard (Pollutant)		Health Hazard (Contaminant)		Sewage	
	Backsiphonage	Backpressure	Backsiphonage	Backpressure	Backsiphonage	Backpressure
Air gap	X	X	X	X	X	X
Reduced Pressure Zone	X	X	X	X		
Double Check	X	X				
Pressure Vacuum Breaker	X		X			
Spill Resistant Vacuum Breaker	X		X			
Atmospheric Vacuum Breaker	X		X			

Section 44 Approved backflow preventive devices.

A. As designated in Section 41, the standard installation of each service connection to the premises or each system requiring an approved backflow preventive assembly shall be a model and size approved by the City.

B. The term “approved backflow preventive assembly” means an assembly approved by the City and shall mean an assembly that has been manufactured in full conformance with the standards established in the American Water Works Association – AWWA C506-78 most recent revised publication “Standards for Reduced Pressure Principle and Double Check Valve Backflow Preventive Assemblies,” and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection and Hydraulic Research (FCCCHR) of the University of Southern California established by specifications of backflow preventive assembly, Section 10 of the most current issue of the “Manual of Cross-Connection Control,” or such other third party certifying entity approved by the City.

C. Backflow preventive assemblies which may be subject to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by FCCCHR may be listed on the current list of “approved backflow preventive assemblies,” which will be available upon written request to the City.

Section 45 Maintenance, testing and records.

A. The user shall maintain accurate records of tests and repairs to backflow preventive devices and provide the City with copies of such records. The records shall be on forms approved by the City and shall include the list of materials or replacement parts used.

B. Testing, maintenance and repairs to such devices shall be made at the customer's expense by a certified backflow prevention device tester that is approved by the City or any other agency designated by the City to prescribe test methods or to certify or approve persons to conduct such tests. It shall be the duty of the user to require that these tests are made at the time of the initial installation and at least once a year thereafter.

C. The user shall notify the City fifteen (15) days in advance when the annual tests are to be done, so that an official representative of the City witnesses the test if so desired.

D. Following the installation of any assembly required by this division, it shall be tested by a certified tester. The test results shall be submitted to the City.

E. Following the repair, repiping, overhaul or relocation of an assembly, the user shall have it inspected by the City and tested by a certified tester.

Section 46 Inspections.

The user's system must be open for inspection at all reasonable times and in all emergencies to authorized representatives of the City to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the City may deny or immediately discontinue service to the premises by providing a physical break in the service line until the user has corrected the condition in conformance with this division.

Section 47 Discontinuance of service.

The service of water to any premises may be discontinued by the City if a backflow preventive assembly required by this division is not installed, tested and maintained, if it has been found that a backflow preventive assembly has been removed or bypassed, or if a cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected. Service may also be terminated by the City upon twenty (20) days notice in writing in the case of a nonemergency.

Section 48 Existing devices and users.

A. If the City determines that a user's backflow preventive assembly does not meet current standards, the user shall retrofit his assembly so it will meet current standards.

B. Whenever it is determined by the City that a water service poses an actual or potential threat to the physical properties of the water system or potability of the public water system, a device complying with this division shall be installed.

Section 49 Penalty.

Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount found on the current water rate sheet.

Section 50 Reserved.

Section 51 Conflict.

All ordinances or parts of ordinances inconsistent or in conflict herewith are to the extent of such inconsistency or conflict, hereby repealed.

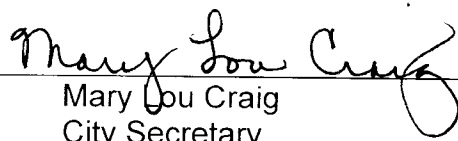
Section 52 Severability.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Brazos County, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED on this 16th day of November, 2023.


Robert S. Ray, Mayor

ATTEST:


Mary Lou Craig
City Secretary

