

ORDINANCE NO. 2023-

AN ORDINANCE AMENDING SECTION 22-280 ENTITLED, "CROSS-CONNECTION CONTROL PROGRAM" OF CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY ENTITLED, "BUILDING AND BUILDING REGULATIONS" TO REMOVE THE REQUIREMENT THAT ALL RESIDENTIAL BACKFLOW ASSEMBLIES BE TESTED EVERY THREE YEARS, PROVIDING FOR CODIFICATION, PUBLICATION, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. That the Code of Ordinances is hereby amended to AMEND Section 22-280 of the League City Code of Ordinances to read as follows (additions, ~~deletions~~):

**Sec. 22-280. Cross-connection control program.**

(a) *General requirements.*

- (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's Rules and Regulations for Public Water Systems ("TCEQ Rules") and this Code. 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 Code.
- (2) This article applies to all connections to the city's potable water system, and to all installations of backflow prevention assemblies related to the city's potable water system, regardless whether the connection is located within the city limits of League City or in the certificated water service area, and regardless of whether the connection or assembly is for retail, wholesale, or other customer or user of the city potable water system.

(b) *Backflow prevention assembly testing.*

- (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. A test report must be completed by a recognized backflow prevention assembly tester for each assembly tested. The testing report must be submitted to the city within the time and format specified in the city's notice of the test. All non-Health Hazard devices shall be tested upon installation, repair, or replacement, ~~and every three (3) years thereafter.~~
- (2) Assemblies shall be tested, repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Certification(s) shall be submitted to the city upon completion.

- (3) Original forms of such test, repairs and overhauls shall be kept by the customer for a minimum of 12 months and submitted to the city within the time specified in the city's notice of the test, repair, or overhaul of each backflow prevention assembly. Backflow prevention assemblies shall be maintained for the customer's water system at the customer's expense.
- (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. Whenever the existing assembly is moved from the present location or cannot be repaired, the backflow prevention assembly shall be replaced with a backflow prevention assembly or device that complies with this section, the University of Southern California Manual of Cross-Connection Control, current edition, or the current plumbing code of the city, whichever is more stringent.
- (5) All backflow prevention assemblies shall be installed and maintained in accordance with the manufacturer's instructions, the American Water Works Association Manual M14, or the University of Southern California Manual of Cross-Connection Control, current edition.
- (6) Test gauges used for backflow prevention assemblies shall be calibrated at least annually in accordance with the University of Southern California's Manual of Cross-Connection, current edition, or the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual 14).
- (7) A recognized backflow prevention assembly tester must hold a current endorsement from the Texas Commission on Environmental Quality (TCEQ) and register with the city.
- (8) Annual inspections shall be made of all backflow prevention assemblies and air gaps to determine whether they are operable. In the absence of local provisions, the owner is responsible to ensure that testing is performed.
- (9) Reduced pressure principle backflow preventer assemblies, double check-valve assemblies, pressure vacuum breaker assemblies, reduced pressure detector fire protection backflow prevention assemblies, double check detector fire protection backflow prevention assemblies, hose connection backflow preventers, and spill-proof vacuum breakers shall be tested at the time of installation, immediately after repairs or relocation, and at least annually.
- (10) The testing procedure shall be performed in accordance with applicable local provisions. In the absence of local provisions, the owner is responsible to ensure that testing is done in accordance with one of the following standards:  
  
ASSE 5013; ASSE 5015; ASSE 5020; ASSE 5047; ASSE 5048; ASSE 5052; ASSE 5056; CSA B64.10; or, CSA B64.10.1.

(c) *Customer service inspections.*

- (1) The city shall perform or have performed a customer service inspection 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 exists, or after any material improvement, correction, or addition to the private water distribution facilities.
- (2) Individuals with the following credentials conduct the customer service inspection:
  - a. Plumbing inspectors and water supply protection specialists that have been licensed by the state board of plumbing examiners.
  - b. Customer service inspectors who have completed a TCEQ-approved course, passed an examination administered by the commission or its designated agent and hold current certification or endorsement as a customer service inspector.

- (3) The customer service inspection must certify that the plumbing installation is in compliance with the following requirements:
- a. There is no direct connection between the public drinking water supply and a potential source of contamination. Potential sources of contaminants are isolated from the public water system by an air-gap or an appropriate backflow prevention device.
  - b. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.
  - c. No connection that allows water to be returned to the public drinking water supply is permitted.
  - d. No pipe or pipe fitting which contains more than 0.25 percent 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 that contains more than 0.2 percent lead can be used for the installation or repair of plumbing at any connection which provides water for human use. A minimum of one lead test shall be performed for each backflow assembly inspection.
- (d) *Cross-connection control fees.*
- (1) Backflow prevention assembly registration fee(s): one-time nonrefundable registration fee of \$35.00 for each non-residential backflow prevention assembly device, per each separate device, shall be billed through the water bill.
  - (2) Certified backflow prevention assembly tester registration fee: Annual registration fee of \$75.00 for TCEQ approved testers shall be a nonrefundable fee to show proof of their current TCEQ license and testing equipment in accordance with current TCEQ regulations.
- (e) *Enforcement.* City water service to any premises may be discontinued and assessed a processing fee of \$40.00 in accordance with the regulations for discontinuance of service to a city customer if a backflow prevention assembly is not installed, tested, or maintained as required by these regulations, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross-connection or other structural or health hazards, including violations of these regulations, exist.

Section 2. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 5. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official

Code of Ordinances as provided hereinabove.

Section 6. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. This Ordinance shall become effective upon passage.

PASSED first reading the \_\_\_\_ day of \_\_\_\_\_, 2022.

PASSED AND ADOPTED the \_\_\_\_ day of \_\_\_\_\_, 2022.

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NICK LONG  
Mayor

ATTEST:

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DIANA M. STAPP  
City Secretary

APPROVED AS TO FORM:

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NGHIEM V. DOAN  
City Attorney