

Ordinance 2020-02
Village of Salado
County of Bell
State of Texas
Date: January 2, 2020

BACKFLOW PREVENTION

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, REGULATING THE INSTALLATION OF BACKFLOW PREVENTION DEVICES, PERMITS AND INSPECTION FEES; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR FINDINGS OF FACT, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the Board of Aldermen of the Village of Salado seeks to protect the potable water supply by requiring installation and inspection of backflow prevention devices; and

WHEREAS, the Board of Alderman seeks to update the permit process and regulations related to backflow prevention devices; and

WHEREAS, the Board of Aldermen of the Village of Salado deems it in the best interest of the Village of Salado to adopt the ordinance as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

SECTION 1. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. The backflow prevention regulations are adopted as shown on *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

SECTION 3. That this Ordinance shall become effective after its passage.

SECTION 4. This Ordinance, upon its enactment and effective date, shall repeal all conflicting provisions that may be contained in other Village ordinances or regulations, except to the extent they apply to obligations and violations arising prior to the enactment of this Ordinance.

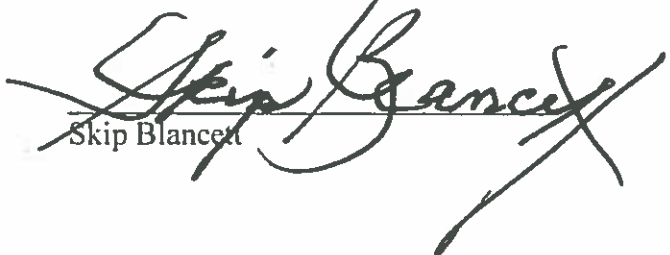
SECTION 5. All rights and remedies of the Village are expressly saved as to any and all violations of the provisions of any previous ordinances which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. In the event that any one or more of the provisions, clauses, or words of this ordinance or the application thereof to any situation or circumstance shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provisions, clauses, or words of this ordinance or the application thereof to any other situations or circumstance and it is intended that this ordinance shall be severable and that it shall be construed and applied as if such invalid or unconstitutional clause, section, provision, or word had not been included herein.

SECTION 7. That the meeting at which this Ordinance was enacted, was open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of the meeting was given as required by the Texas Open Meetings Act.

PASSED AND APPROVED this, the 2nd day of January, 2020 by a 4 (ayes) to 0 (nays) and 0 (abstentions) vote of the Board of Aldermen of Salado, Texas.

VILLAGE OF SALADO


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ATTEST


Cara McPartland, Village Secretary



BACKFLOW PREVENTION ORDINANCE

A. Purpose. The purpose of this ordinance is to prevent the contamination of water delivered by public water systems by requiring the maintenance, repair, inspection and testing of backflow prevention devices.

B. Application. This division shall apply within the corporate limits and extraterritorial jurisdiction of the Village of Salado.

C. Definitions. As used anywhere in this ordinance, the following terms are defined to mean:

Backflow: The reversal of the flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of a public water system.

Village: The Village of Salado.

Person: An individual, partnership, joint venture, firm, company, corporation, association, joint stock company, governmental entity, trust, estate, sole proprietorship, or legal entity of any kind or character.

Public water system: A system for the provision of water to the public as defined in Title 30 of the Texas Administrative Code, Section 290.38.

SWSC: The Salado Water Supply Corporation, a public water system and a Texas corporation authorized to transact business in the State of Texas.

D. Backflow prevention devices.

1. Backflow is prohibited. A person shall not maintain a backflow prevention device, plumbing fixture, equipment, or any other device that permits backflow, or fail to install a backflow prevention device that is required by the Village.
2. Each property owner shall cause backflow prevention devices to be installed in compliance with the provisions of the International Plumbing Code and appendices as amended that have been adopted by the Village.

E. Permit Required

It shall be unlawful for any person to install a backflow prevention device or have a backflow prevention device installed or replaced without first applying for and receiving a permit. It shall be unlawful to install or replace a backflow prevention device contrary to a permit that has been issued.

F. Inspection and testing.

1. Each property owner is responsible for the maintenance and repair of each backflow prevention device that is located on the property owner's property.
2. Each property owner shall have each backflow prevention device located on owner's property inspected and tested annually by a State of Texas licensed backflow assembly tester. The licensed tester performing the inspection and testing shall complete a report of each inspection and testing on a form approved by the public water system that provides water to the property where the backflow prevention device is located.
3. Each property owner shall repair or replace a backflow prevention device that fails a test before returning the backflow prevention device to service.
4. Each property owner shall deliver the annual report of testing and inspection that is required to be performed by this section to the SWSC and the Village of Salado that provides water to the property where the backflow prevention device is located not later than thirty (30) days after the date of the inspection and testing.

G. Fees

There will be no fee associated with permitting required by this ordinance.

H. Emergency suspension.

1. The chief executive officer of the SWSC may suspend water service and disconnect service to a person if the chief executive officer determines that contamination or pollution due to backflow presents an imminent threat to the public water system, presents an imminent danger to public health or safety, or threatens to interfere with the operation of the public water system.
2. A person notified of the suspension of the person's service by a public water system pursuant to this section shall immediately stop the use of the public water system's water. If a person fails to immediately suspend use of the public water system's water, the public water system may take the actions it determines are necessary to prevent contamination or pollution, or to minimize damage to the public water system.
3. The authority granted in this section is in addition to any authority held by SWSC.

I. Right of Entry; Access to property.

A public water system, through its employees or authorized agents, may enter property that receives water service from the public water system to inspect backflow prevention devices.

J. Enforcement.

1. The failure to perform any action that is required by this division, or the performance of any action that is prohibited by this division shall constitute a violation of this division.
2. Criminal penalty. A conviction for a violation of any provision of this division shall constitute a class C misdemeanor. A person convicted of a violation of any provision of this division shall be fined an amount of not less than two hundred dollars (\$200.00) per violation and a maximum of not more than two thousand dollars (\$2,000.00) per violation. Each violation of this division shall constitute a separate offense, and each day a violation continues shall be considered a new offense. A culpable mental state is not required to prove an offense under this division.
3. Civil Penalty. A civil penalty may be imposed for each violation of any provision of this division in an amount not to exceed five thousand dollars (\$5,000.00) per violation. Each violation of any provision of this division shall constitute a separate violation, and each day a violation continues shall be considered a new violation.
4. Additional enforcement remedies. In addition to any other remedies provided in this division, the Village, or SWSC for violations of this division that occur within its service area may, at any time, pursue any other legal and/or equitable remedy to require compliance with this division.
5. Should SWSC or the Village give written notice of a violation of this division to a property owner and the violation is not completely remedied within ninety (90) days after the date of the notice, then in that event SWSC may terminate water and/or sewer service to the location where the violation occurred upon the approval of a resolution by the SWSC Board of Directors authorizing such termination.