

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 53 OF THE CITY OF PFLUGERVILLE, TEXAS, CODE OF ORDINANCES, TITLE V PUBLIC WORKS, CHAPTER 53 CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION, BY AMENDING SECTIONS 53.003 THROUGH 53.014 TO COMPLY WITH FEDERAL AND STATE REGULATIONS; PROVIDING FOR SEVERABILITY AND REPEALER; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Pflugerville, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

**WHEREAS**, the City Council of the City of Pflugerville deems the introduction of contaminants and pollutants into the City’s potable water supply to be potentially detrimental to the public’s health, safety, and welfare of its citizens and deems it necessary to adopt ordinances to protect the public health, safety, and welfare; and,

**WHEREAS**, the City of Pflugerville has declared that, because safe, high quality drinking water is a precious resource, the general welfare requires that the City’s water distribution facilities and water supplies be protected from actual or potential contamination presented by backflow, cross-connections or other potential contamination hazards; and,

**WHEREAS**, the City of Pflugerville deems it necessary to adopt a cross-connection control and backflow prevention program in order to comply with the federal Safe Drinking Water Act and state regulations as established by the Texas Commission on Environmental Quality relating to cross-connection control and backflow prevention.

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

**Section 2. Amendment to Municipal Code of Ordinances.** The City of Pflugerville, Texas Code of Ordinances, Title V (titled “*Public Works*”), Chapter 53 (titled “*Cross Connection Control and Backflow Prevention*”), Sections 53.003 through 53.014, as shown on **Exhibit A**.

**Section 3. Severability.** If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

**Section 4. Repealer.** This ordinance shall be cumulative of all other ordinances of the City of Pflugerville, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Pflugerville except insofar as the provisions thereof might be inconsistent or in

conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

**Section 5. Effective Date.** This Ordinance will take effect upon its adoption by the City Council in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

CITY OF PFLUGERVILLE, TEXAS

By: \_\_\_\_\_  
Victor Gonzales, Mayor

ATTEST:

\_\_\_\_\_  
Karen Thompson, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Charles Zech, City Attorney  
DENTON NAVARRO ROCHA BERNAL & ZECH, PC

## EXHIBIT A

The following provisions are amended to reflect additions as underlined and deletions as strikethrough:

### Sec. 53.004

This subchapter applies to all connections to the City's potable water system, unless the customer's system is excepted hereunder, both as system protection and as internal protection, and to all installations of backflow prevention assemblies related to the City's potable water system, regardless of whether the connection or assembly is located within the City limits, ~~or in the City's certificated water service area, or any assembly outside the City requiring a plumbing inspection due to an interlocal agreement with the City and a political subdivision.~~ (State law reference: 30 Texas Admin. Code (TAC) § 290.44(h)(1)).

### Sec. 53.006

*CUSTOMER.* Any person or entity that is supplied potable water by or through the ~~city~~ City water system ~~System~~ and includes an owner, tenant or lessee.

*DIRECTOR.* ~~The Director of Public Works~~ Public Utilities Director for the City of Pflugerville or another official as designated by the Director.

### Sec. 53.007

## **AUTHORITY AND RESPONSIBILITY – PUBLIC UTILITIES DIRECTOR ~~OF PUBLIC WORKS.~~**

### Sec. 53.012

(F) Landscape Irrigation. Per 30 Texas Administrative Code (TAC), §344.51(d)(2), specific irrigation systems are considered to be health hazards effective July 26, 2020. Irrigation systems with lesser protections installed before this date continue to be in compliance until their backflow preventer needs repair, replacement, or is due for its annual testing. At that time, the customer shall replace their backflow prevention device in a matter that conforms with TAC §344.50(b).

### Sec. 53.013

(2) If a water customer fails to test the device upon installation, the Director may perform the test and assess the actual cost of the test for each separate assembly device on which the director performs a test.

(3) If a water customer fails to test the device or notify the Director to lock the assembly within the required timeframe, the Director may perform the test and assess the actual cost of the test for each separate assembly device on which the Director performs a test.

(4) If an assembly is deemed not to be working properly after testing, the director shall have the necessary repairs and/or adjustments made immediately and shall retest the assembly. The property owner will then be required to pay the actual cost of the retest and repair required.

(C) Failure of a water customer to properly test their backflow prevention device within the required testing window to stay in compliance may be assessed a backflow prevention testing fee not to exceed the cost of the test and any repairs that may be needed to protect the City's water supply from potential contamination.