

ORDINANCE NO. O-2012-02

AN ORDINANCE AMENDING ORDINANCE NO. O-24-2001 REQUIRING PROPER ENFORCEMENT TO INSURE THAT NEITHER WATER CROSS-CONNECTIONS NOR OTHER UNACCEPTABLE PLUMBING PRACTICES ARE PERMITTED; WITH SPECIAL PROVISIONS; REPEALING ORDINANCE IN CONFLICT HERewith; PROVIDING FOR SEVERALITY; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS THAT;

SECTION 1: WATER CROSS CONNECTIONS AND OTHER UNACCEPTABLE PLUMBING PRACTICES.

It shall be prohibited for the City of Pharr to provide continuous water service to new construction where there exists possible contamination of the City's water system by a cross-connection or other unacceptable plumbing practice. The owner or agent of this property must obtain a customer service inspection certificate before a building certificate of occupancy is issued to insure protection of the potable water system. The inspection certificate is also required on existing water services where the water purveyor has reason to believe that cross-connections or other unacceptable plumbing practice exist, or after any material improvement, connection, or addition to private plumbing facilities. This Ordinance will comply with the Texas Commission on Environmental Quality, Chapter 290-Water Hygiene, mandating proper enforcement by the City to prevent water cross-connections or other unacceptable plumbing practices. The purveyor will enforce this Ordinance to ensure public health and welfare.

SECTION 2: SPECIAL PROVISIONS.

- 1.) All water systems must comply with the Texas Commission on Environmental Quality, Chapter 290, Sub Chapter D; undated rules and regulations for Public Water Systems; Section 290.38, 290.44, 290.46, and 290.47.
- 2.) The customer of the water service must sign a service agreement with the City of Pharr to have the water system inspected annually by individuals who are certified to do customer service inspections. The customer pays the fee for the inspection to the certified individual.
- 3.) The public water supply may be terminated immediately if a possible cross-connection exists or if unacceptable plumbing practices are discovered. A fee of \$75.00 will be charged for the reconnection.

- 4.) At any residence or establishment where an actual or potential contamination hazard exists, additional protection shall be required according to Texas Commission on Environmental Quality, Chapter 290, Sub. Chapter D; Rules and Regulations for Public Water Systems; Section 290.44(h)-Backflow, siphonage. The type of backflow prevention assembly must comply with TCEQ Sub Chapter D: Section 290.47(i)-Assessment of Hazard and Selection of Assemblies. Note: A single check valve is not considered to be an approved backflow prevention assembly and is used in limited instances such as for directional flow control.
- 5.) It shall be the duty of the consumer at any premise where backflow prevention assemblies need to be installed or are installed to have a field test performed by a certified backflow prevention tester upon installation and at a minimum of once per three years there after. It shall be the duty of the consumer at any residence or establishment where an actual or potential contamination hazard exists, where a backflow prevention assemblies need to be installed or are installed to have a field test performed by a certified backflow prevention tester upon installation and a minimum once per year there after. Only certified testers on the City's Certified Testers List will be allowed to install, test, repair or replace backflow prevention devices. In those instances where the Utilities Director or his representative deems the hazard to be great enough it may require field tests at more frequent intervals. These tests shall be at the expense of the water user/consumer and shall be by a certified tester approved by the City. It shall be the duty of the Utilities Director or his representative to see that these tests are made in a timely manner. The consumer shall notify the Utilities Director or his representative from the city so he may witness the field tests if so desired. The City has the right to retest the backflow preventer at any reasonable time, even though it has already been certified. If the City finds fault in the assembly the consumer must repair and retest the assembly by a certified backflow tester at the consumer cost. These assemblies shall be repaired, overhauled or replaced at the expense of the consumer whenever said assemblies are found to be defective. Following any repair or overhaul of an assembly the consumer shall have it tested to ensure that it is in proper operating condition. Re-piping and relocation of an assembly shall have prior approval of Utilities Director or his representative and shall be followed by retesting. Any consumer request for a change on an existing commercial service or on an existing residential service where the change is due to a lawn sprinkler system installation will need to be tested. The city is not liable for damage to a backflow prevention assembly, which may occur during testing. Original records of such test, repairs, and overhaul shall be sent to the Office of Utilities Director and copies on file at the consumer's premises. All records of testing, repairs or replacements of the backflow prevention devices shall be submitted to the Utilities Director, and there entered into a database for future reference and compliance monitoring of this ordinance.

- 6.) All cost associated with the ordinance are to be borne by the customer. This includes the initial purchase of the backflow prevention assembly, its proper installation, testing and maintenance.

SECTION 3: REPEALING CLAUSE.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed. Where there is conflict with this Ordinance and any State law, rule, or regulation, the most stringent law, rule, and/or regulation will be enforced.

SECTION 4: SEVERABILITY CLAUSE.

The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part thereof.

SECTION 5: PENALTY.

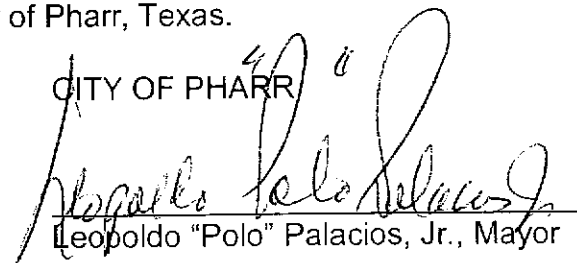
Anyone who violates this Ordinance shall upon conviction thereof be fined in any amount not less than two hundred dollars and 00/100 (\$200.00) nor more than two thousand dollars and 00/100 (\$2,000.00). Each day that the violation continues to exist is a separate offense. Second offense not less than five hundred dollars and 00/100 (\$500.00) nor more than two thousand dollars and 00/100 (\$2,000.00).

SECTION 6: PUBLICATION, EFFECTIVE DATE.

This Ordinance shall be published after its passage and approval and shall take effect and be in force from and after ten (10) days following such publication in the official newspaper. Publication, if necessary, may also be in caption form as allowed under Section 9 of the Pharr City Charter.

APPROVED AND PASSED on the first reading the 20th day of December, 2011, by the Board of City Commissioners of the City of Pharr, Texas.

CITY OF PHARR

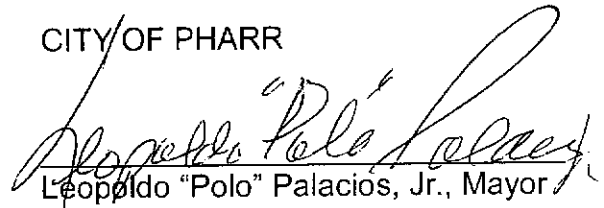

Leopoldo "Polo" Palacios, Jr., Mayor

ATTEST:


Hilda Pedraza, City Clerk

APPROVED AND PASSED on the second reading the 10th day of January, 2012,
by the Board of City Commissioners of the City of Pharr, Texas.

CITY OF PHARR

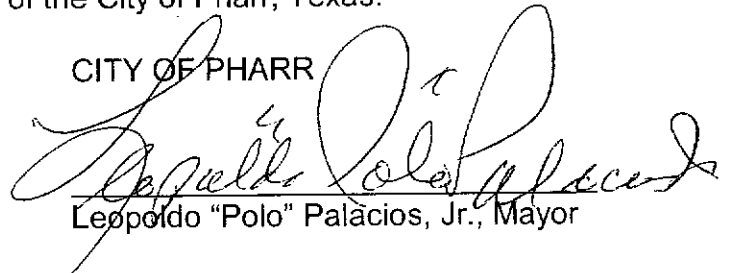

Leopoldo "Polo" Palacios, Jr., Mayor

ATTEST:

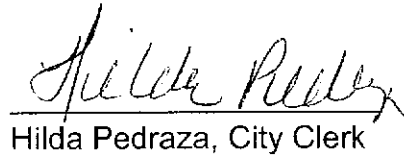

Hilda Pedraza, City Clerk

APPROVED AND PASSED on the third and final reading the 24th day of January,
2012, by the Board of City Commissioners of the City of Pharr, Texas.

CITY OF PHARR


Leopoldo "Polo" Palacios, Jr., Mayor

ATTEST:


Hilda Pedraza, City Clerk