City of Dripping Springs

Drought Contingency Plan Enforcement Ordinance

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, AMENDING CHAPTER 20, ARTICLE 20.06 OF THE DRIPPING SPRINGS CODE OF ORDINANCES; IMPLEMENTING THE CITY'S DROUGHT CONTINGENCY PLAN; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECTS; ESTABLISHING PENALTIES; INCLUDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Section 54.044 of Subchapter C of Local Government Code Chapter 54 allows cities to adopt procedures to administratively enforce ordinances relating to water conservation measures, including watering restrictions; and

WHEREAS, the administrative enforcement process is in addition to, but more informal and flexible than, civil or criminal enforcement, but must have the procedural and due process safeguards set forth in Section 54.044 of the Texas Local Government Code; and

WHEREAS, the City Council finds that creating an administrative enforcement process as allowed by Subchapter C of Chapter 54 of the Texas Local Government Code will protect the health, safety, and welfare of the citizens of the City; and

WHEREAS, given the potential for frequent and severe drought conditions in Central Texas, and rapid and significant population growth, the City Council finds that it is essential to continue to develop policies and regulations that recognize water is a limited resource and conserve water so that water is available for critical public health and safety needs, including but not limited to domestic use, sanitation, fire-fighting, fire suppression, and natural disasters; and

WHEREAS, the City Council finds that Article 20.06 of the City Code of Ordinances should be updated to streamline and clarify the temporary restrictions on water use for certain types of activities to help the City cope with temporary shortages in water supply when the City is in a drought phase under its Drought Contingency Plan; and

WHEREAS, the City Council approved and adopted the Drought Contingency Plan for municipal water use on August 5, 2025;

WHEREAS, Appendix B of the Drought Contingency Plan contains enforcement provisions for the city's retail water customers and wholesale treater water customers;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Dripping Springs:

1. FINDINGS OF FACT

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

2. ENACTMENT

Chapter 20, Article 20.06 is amended to read in accordance with "**Exhibit A",** which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be added to Article 20.06 and any text that is struck through shall be removed.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication as provided for by law.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 19th day of August, 2025, by a vote of ___ (ayes) to _____ (nays) to ____ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

by: _____
Bill Foulds, Jr., Mayor

ATTEST:

_____
Diana Boone, City Secretary

Exhibit "A"

ARTICLE 20.06. RETAIL WATER SERVICE

DIVISION 1. GENERALLY

Sec. 20.06.001. ~~Retail w~~Water service rules and policies.

This article sets forth the city's rules and policies that apply to any ~~retail~~ water service that is provided by the city.

Sec. 20.06.002. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

DCP: The city's Drought Contingency Plan, as amended from time to time.~~-~~

LCRA: The Lower Colorado River Authority.

MOU: That certain memorandum of understanding between LCRA and USFWS dated May, 2000.

New development: As that term is defined in the MOU.

TCEQ: The Texas Commission on Environmental Quality.

USFWS: The United States Fish and Wildlife Service.

Wholesale user: A ~~-~~water service customer who receives treated water service subject to contractual terms other than those provided pursuant to this division for retail water customers.

WTCPUA: The West Travis County Public Utility Agency.

Sec. 20.06.003. Initiation and continuation of retail water service.

(a) The city has agreed by contract with its wholesale water provider to provide retail potable water utility service only in a manner that complies with the MOU. Any new development will only be provided with retail water service where the new development complies with:

(1) Measures approved by the USFWS through separate section 7 [sic] consultation, or other independent consultation;

(2) TCEQ optional enhanced measures, appendix A and appendix B to RG-348; or

(3) USFWS recommendations for Protection of Water Quality of the Edwards Aquifer dated September 1, 2000.

(b) As a condition to obtaining retail water service from the city, the landowner for any new development must provide for the development to the city an engineer's certification that the plat for the development contains enforceable restrictions against altering physical elements of any applicable water quality protection measures or alternatives, such as buffer zones and impervious cover, and the landowner must also provide an engineer's certification after completion of construction of a development or subdivision to ensure that the construction of the development or subdivision has been in accordance with the plat restrictions.

(c) All WTCPUA's service extension policies apply to retail water utility service provided by the city as if the WTCPUA were the retail service provider.

(d) The city hereby adopts by reference the same service availability and plumbing regulations as contained in the duly adopted WTCPUA tariff.

Sec. 20.06.004. Water rates and charges.

(a) Applicability. These rates and charges are applicable to all sales or service of water within and outside the corporate limits of the city other than sales or service of water to a wholesale user.

(b) Rates and charges. The city's rates and charges to customers for the sales or service of water shall consist of two parts: (i) base rates, (ii) Special charges, and (iii) administrative fee.

(1) Base rates. For customers who live within the city limits of the City of Dripping Springs, the city shall charge as its base rates the same rates, fees, and charges (including, but not limited to, water impact fees, connection fees, minimum monthly charges, capital charges, and volumetric charges), the same as what is charged by the Dripping Springs Water Supply Corporation.

(2) Out-of-City ~~Base~~ base rates. For customers who live outside the city limits of the City of Dripping Springs, the city shall charge as its base rates the same rates, fees, and charges (including, but not limited to, water impact fees, connection fees, minimum monthly charges, capital charges, and volumetric charges), the same as what is charged by the Dripping Springs Water Supply Corporation plus an additional 20 percent for the rates, fees, and charges.

(3) Special charges. Each retail water customer shall be responsible to pay costs incurred that are attributable to a specific retail customer or retail customer account (such as, but not limited to, returned check fees, disconnect charges, and resumption of service charges).

(4) Administrative fee. Except for wholesale water impact fees, the city shall charge an administrative fee calculated as a percentage of the sum of the base rates and special charges charged pursuant to subsections (b)(1), (b)(2), and (b)(3) above. The applicable percentage shall initially be six percent and periodically reviewed and revised, as appropriate. The administrative fee will be shown separately on each customer's water bill.

(5) Reclaimed water fee. The reclaimed water fee is $5.00 per 1,000 gallons. In order to obtain reclaimed water, each customer must complete a reclaimed water use agreement form and be approved by the City.

Sec. 20.06.005. Water conservation.

(a) The city's ~~retail~~ water customers are subject to and must comply with the most stringent requirements from the following:

(1) The city's drought contingency plan (as amended from time to time);

(2) The city's water conservation plan (as amended from time to time);

(3) The WTCPUA's Water Conservation ~~And~~ and Drought Contingency Plan;

(4) The LCRA's Drought Contingency Plan; or

(5) The LCRA's Water Conservation Plan.

(b) It shall be a violation of this chapter for any ~~retail~~ water customer to violate water use restrictions required through the implementation of any of the following:

(1) The city's ~~drought~~ Drought ~~contingency~~ Contingency ~~plan~~ Plan (as amended from time to time);

(2) The city's ~~water~~ Water ~~conservation~~ Conservation ~~plan~~ Plan (as amended from time to time);

(3) The WTCPUA's Water Conservation ~~And~~ and Drought Contingency Plan;

(4) The LCRA's Drought Contingency Plan; or

(5) The LCRA's Water Conservation Plan.

Sec. 20.06.006. Drought response enforcement.

(a) A person commits an offense if the person knowingly or intentionally uses or allows the use of water from the city for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of the DCP, or in an amount in excess of that permitted by the drought response stage in effect at the time.

(b) Any person who violates the DCP shall be subject to the following fines, penalties and/or conditions of service:

(1) Following the first observed violation, the violator shall be given a notice specifying the type of violation, the date and time it was observed, and a copy of this section setting out the fines and restrictions on service that may result from additional violations.

(2) A person commits a misdemeanor punishable by a fine of $500 if the person knowingly or intentionally violates the DCP after having been given a notice pursuant to subsection 20.06.006(b)(1);

(3) A person who commits a misdemeanor punishable by a fine of $1,000 if the person knowingly or intentionally violates the DCP after having been found guilty or having entered a plea of nolo contendere in respect of an offense punishable pursuant to subsection 20.06.006(b)(2) above.

(4) Following an observed violation by a person who, having been found guilty or having entered a plea of nolo contendere in respect of an offense punishable pursuant to subsection 20.06.006(b)(3) above, the city shall, upon due notice to the customer, discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at $500, and any outstanding charges including late payment fees or penalties. In addition, suitable assurance in the amount of a deposit of $500 must be given to the city so that the same action shall not be repeated while the DCP is in effect. The city may apply the deposit to any surcharges or penalties subsequently assessed under the DCP against a customer. The deposit, if any, shall be returned to the customer at the time of the customer's voluntary disconnection from the utility system.

(c) Each day that one or more of the provisions in the DCP is violated shall constitute a separate offense. Any person, including one classified as a water customer of the city, in apparent control of the property where an offense occurs or originates, shall be presumed to be the violator. Any such persons, however, shall have the right to show that they did not commit the offense.

(d) The designated manager or official of City of Dripping Springs shall have the power to enforce the provisions of the DCP.

(e) The municipal court shall have the power to issue to the designated manager or official of City of Dripping Springs administrative search warrants, or other process allowed by law, where necessary to aid in the criminal enforcement of the DCP.

(f) Judicial enforcement of fines and civil penalties issued pursuant to the DCP may be sought through the municipal court, district court or county court having jurisdiction over the matter.

(g) Compliance with the DCP also may be sought through injunctive relief in state district court or a county court having jurisdiction over the matter.

Sec. 20.06.007. Wholesale user requirements.

(a) Every wholesale user shall, as a condition of receiving wholesale water service:

(1) Enter into a wholesale water contract with the City incorporating terms no less stringent than the provisions of this division; and

(2) Provide the city with an order, ordinance or resolution to demonstrate adequate enforcement provisions for the wholesale user's drought contingency plan.

(b) Wholesale users that fail to comply with the drought contingency measures in the DCP may be subject to the following civil penalties, in addition to any other remedies available to the city by law or under the terms of the wholesale user's water contracts.

(c) Wholesale users are subject to the following civil penalties for non-compliance with the DCP:

(1) Following a first observed violation, the violator shall be given a notice specifying the type of violation, the date and time it was observed, and a copy of this division setting out the fines and restrictions on service that may result from additional violations.

(2) Following a second observed violation after having been given a notice pursuant to subsection 20.06.007(c)(1), the violator be subject to a civil penalty of up to $2,000.

(3) Following a third observed violation after having been given a notice pursuant to subsection 20.06.007(c)(2), the violator be subject to a civil penalty of up to $10,000.

Secs. 20.06.~~006~~008—20.06.030. Reserved.

DIVISION 2. RECLAIMED WATER

Sec. 20.06.031. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this division, except where the context clearly indicates a different meaning:-

Reclaimed water: Effluent owned or controlled by the city that is produced from the treatment of the city's wastewater through a wastewater treatment plant and treated to the standards required in 30 Texas Admin. Code § 210 et seq.

Reclaimed water system: The distribution, transmission and storage facilities designed to meet the requirements of 30 Texas Admin. Code § 210 et seq. as described in this division for the distribution of reclaimed water to users.

Users: Entities or individuals that purchase reclaimed water from the city through the city's reclaimed water system.

Sec. 20.06.032. Prohibitions.

(a) It shall be unlawful to tap into, connect, or obtain reclaimed water from the reclaimed water system except in accordance with the terms of an executed reclaimed water use agreement with the city and this division.

(b) It shall be unlawful to use reclaimed water in a manner that violates this division or the rules and regulations of the Texas Commission on Environmental Quality.

Sec. 20.06.033. Construction standards for reclaimed water system.

The reclaimed water system shall be constructed in accordance with the following standards:

(1) Transmission lines. Any reclaimed water transmission lines shall be constructed with a minimum separation from potable waterlines of nine feet whenever possible. When it is not possible to maintain such separation, the reclaimed waterlines shall be constructed in accordance with 30 Texas Admin. Code ch. 290 concerning separation of potable and nonpotable water piping. A nondegradable warning tape shall be placed in the trench above the pipe to reduce the possibility of inadvertent connections. Pipe used for the construction of any additional reclaimed waterlines shall be purple, covered with a purple polywrap bag, or marked with purple tape. Construction plans for any additional

reclaimed waterlines shall be submitted to the Texas Commission on Environmental Quality for review and approval in accordance with 30 Texas Admin. Code § 210.25(h).

(2) Internal lines. Users shall be responsible for the design of any internal reclaimed water distribution piping or irrigation piping. The user shall design all piping in accordance with 30 Texas Admin. Code § 210.25.

(3) Storage ponds. All reclaimed water storage ponds shall be designed and constructed in accordance with 30 Texas Admin. Code § 210.25(c).

Sec. 20.06.034. User responsibilities.

Reclaimed water users shall comply with the following requirements:

(1) Users shall post signs at all storage areas, hose bibs, faucets and other points of access to the reclaimed water that comply with the requirements of 30 Texas Admin. Code 210.25b.

(2) Users shall design all hose bibs, faucets, and valves in accordance with 30 Texas Admin. Code § 210.25a.

(3) Users shall ensure that irrigation activities occur during times that will minimize the risk of inadvertent human exposure.

(4) Users shall operate irrigation systems in a manner that will not cause any surface or airborne discharge of reclaimed water.

(5) Users shall not operate irrigation systems when the earth is frozen or saturated with water.

(6) Users shall utilize operational procedures for irrigation systems that will minimize wet grass conditions in unrestricted landscape areas during the periods the areas could be in use.

(7) Users shall maintain transmission mains, storage pond, pumping facilities and internal irrigation piping beyond the point of delivery.

(8) Users shall design a routine maintenance schedule that includes a routine check of the sprinkler heads, distribution piping, pumps, valves, and other mechanical equipment and shall conduct repairs as necessary. Preventive maintenance on all mechanical equipment shall be as specified by the manufacturer.

Sec. 20.06.035. Judicial enforcement remedies applicable to reclaimed water use.

(a) Criminal penalty. Any person who has violated any provision of this division regarding the use of reclaimed water shall be strictly liable for such violation and shall, upon conviction, be subject to a fine of not more than $2,000.00 per violation per day.

(b) Pursuant to Texas Local Government Code section 552.0025, the compensation due to the city shall be a delinquent cost of providing utility services, and the city may impose a lien on the landowner's real property, unless the property is a homestead as protected by the state constitution.

(c) Remedies nonexclusive. The remedies provided for in this division are not exclusive of any other remedies that the city may have under state or federal law or other city ordinances. The city may take any, all, or any combination of these actions against a violator. The city is empowered to take more than one enforcement action against any violator. These actions may be taken concurrently.

(d) Supplemental enforcement action.

(1) Whenever a user has violated or continues to violate any provision of this division, reclaimed water service to the user may be severed. Service will only recommence, at the user's expense, after he has satisfactorily demonstrated his ability to comply.

(2) The misuse of reclaimed water in violation of this division is hereby declared a public nuisance and shall be corrected or abated as directed by the city public works director. Any person creating a public nuisance shall be subject to the provisions of this code governing such nuisances, including reimbursing the city for any costs, including but not limited to, attorneys fees and costs of court, incurred in removing, abating, or remedying said nuisance.

(3) In addition to prohibiting certain conduct by natural persons, it is the intent of this division to hold a corporation or association legally responsible for prohibited conduct performed by an agent acting on behalf of a corporation or association and within the scope of his office or employment.

(4) Any user that violates any provision of this division and thereby causes the city to violate a rule or regulation of the Texas Commission on Environmental Quality or any other state or federal agency, and as a consequence causes the city to incur any civil or criminal penalty, shall be liable to the city for the amount of any such civil or criminal penalty, as well as any costs of compliance with any order issued by the Texas Commission on Environmental Quality or any state or federal court and, additionally, any costs and/or attorneys fees incurred by the city in defense or compliance with such judicial or administrative action.

Secs. 20.06.036—20.06.060. Reserved.

DIVISION 3. WATER CONNECTIONS

Sec. 20.06.061. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in sections 20.06.062 through 20.06.068, except where the context clearly indicates a different meaning:

Air gap: The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle. These vertical, physical separations must be at least twice the diameter of the water supply outlet, never less than one inch (25 millimeters).

Approved: Accepted by the authority responsible as meeting an applicable specification stated or cited in this division or as suitable for the proposed use.

Auxiliary water supply: Any water supply on or available to the premises other than the city's approved public water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source, such as a well, spring, river, stream, harbor, and so forth; used waters; or industrial fluids. These waters may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which the city does not have sanitary control.

Backflow: The undesirable reversal of flow in a potable water distribution system as a result of a cross connection.

Backflow preventer or backflow prevention assemblies: An assembly or means designed to prevent backflow.

Backpressure: A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or any other means that may cause backflow.

Backsiphonage: Backflow caused by negative or reduced pressure in the supply piping.

City administrator: The administrator of the city, and the agents, officers or employees of the city designated by the city administrator to be in charge of the water department of the city, and the designees of such agents and officers. The city administrator is invested 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. The city

administrator may further, with the approval of the city council, designate the county health department as an agent authorized to enforce this division.

Contamination: An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard.

Cross connection: Connection or potential connection between any part of a potable water system and any other environment containing other substances in a manner that, under any circumstances would allow such substances to enter the potable water system. Other substances may be gases, liquids, or solids, such as chemicals, waste products, steam, water from other sources (potable or nonpotable), or any matter that may change the color or add odor to the water.

Cross-connection control by containment: The installation of any approved backflow prevention assembly at the water service connection to any customer's premises, where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water system; or the term "cross-connection control by containment" means the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections that cannot be effectively eliminated or controlled at the point of the cross connection.

Cross connections, controlled: A connection between a potable water system and a nonpotable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

Double check valve assembly: The approved double check valve assembly consists of two internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two tightly closing resilient-seated shutoff valves and fittings with properly located resilient-seated test cocks. This assembly shall only be used to protect against a nonhealth hazard (i.e., a pollutant).

Hazard, degree of: The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

Hazard, health: A cross connection or potential cross connection involving any substance that could, if introduced in the potable water supply, cause death, illness, spread disease, or have a high probability of causing such effects.

Hazard, nonhealth: A cross connection or potential cross connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, if introduced into the potable water supply.

Hazard, plumbing: A plumbing-type cross connection in a consumer's potable water system that has not been properly protected by an approved air gap or an approved backflow prevention assembly.

Hazard, system: An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution of contamination that would have a protracted effect on the quality of the potable water in the system.

Industrial fluids system: Any system containing a fluid or solution that may be chemical, biologically, or otherwise contaminated or polluted in a form or concentration, such as would constitute a health, system, pollution or plumbing hazard, if introduced into an approved water supply. The term "industrial fluids system" may include, but not be limited to:

(1) Polluted or contaminated waters;

(2) All types of process waters and used waters originating from the public potable water system that may have deteriorated in sanitary quality;

(3) Chemicals in fluid form;

(4) Plating acids and alkalies;

(5) Circulating cooling waters connected to an open cooling tower;

(6) Cooling towers that are chemically or biologically treated or stabilized with toxic substances; and/or

(7) Contaminated natural waters, such as wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, and so forth; oils, gases, glycerine, paraffins, caustic and acid solutions, and other liquid and gaseous fluids used in industrial or other purposes for firefighting purposes.

Pollution: The presence of any foreign substance in the water that tends to degrade its quality so as to constitute a nonhealth hazard or impair the usefulness of the water.

Reduced-pressure backflow prevention assembly: The approved reduced-pressure principle backflow prevention assembly consisting of two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks.

Regulations: The provisions of any applicable ordinance, rule, regulation or policy.

Service connection: The terminal end of a service connection from the public potable water system, that is, where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. The term "service connection" means, if a meter is installed at the end of the service connection, the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow prevention assembly located at the point of delivery to the customer's water system. The term "service connection" also includes water service connections from the public potable water system.

Water, nonpotable: Water that is not safe for human consumption or that is of questionable quality.

Water, potable: Water that is safe for human consumption as described by the public health authority having jurisdiction.

Water, used: Any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.

Sec. 20.06.062. Purpose.

The purpose of sections 20.06.061 through 20.06.068 of this division is the following:

(1) Protect public water. To protect the public potable water supply of the city from the possibility of contamination or pollution by isolation within the customer's internal distribution system or the customer's private water system such contaminants or pollutants that could backflow into the public water system;

(2) Eliminate cross connections. To promote the elimination or control of existing cross connections, actual or potential, between the customer's in-plant potable water system and nonpotable water systems, plumbing fixtures, and industrial piping systems; and

(3) Continuing program. To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.

Sec. 20.06.063. Prohibitions and enforcement.

(a) General. 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 rules and regulations for public water systems (the Texas Commission on Environmental Quality rules) and this division. The city shall discontinue water service if a required backflow

prevention assembly is not installed, maintained and tested in accordance with the Texas Commission on Environmental Quality rules and this division.

(b) Enforcement. The city administrator shall be responsible for the enforcement of the Texas Commission on Environmental Quality rules and this division for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the city administrator an approved backflow prevention assembly is required (at the customer's water service connection; or, within the customer's private water system) for the safety of the water system, the city administrator or his designated agent shall give notice in writing to said customer to install such an approved backflow prevention assembly at specific locations on his premises. The customer shall immediately install such approved assembly at his own expense; and, failure, refusal, or inability on the part of the customer to install, have tested, and maintain said assembly shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

Sec. 20.06.064. Water system—Composition.

(a) The water system shall be considered as made up of two parts: The utility system and the customer system.

(b) The utility system shall consist of the source facilities and the distribution system, and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins.

(c) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.

(d) The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.

(e) The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system that are utilized in conveying utility-delivered domestic water to points of use.

Sec. 20.06.065. Requirements for connection.

(a) Protection required. No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by the Texas Commission on Environmental Quality rules and this division. Service of water to any premises shall be discontinued by the city if a backflow prevention assembly required by this division is not installed, tested, and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

(b) Customer's system. The customer's system should be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross connections or other structural or sanitary hazard, including violations of these regulations, exist. When such a condition becomes known, the city administrator shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the conditions in conformance with state, provincial and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

(c) Location. An approved backflow prevention assembly shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line wherever the following conditions exist:

(1) In the case of premises having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and that is not acceptable as an additional source by the city administrator, the public water system shall be protected against backflow from the premises by

installing an approved backflow prevention assembly in the service line, appropriate to the degree of hazard.

(2) In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line, appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system that have been subject to deterioration in quality.

(3) In the case of premises having:

(A) Internal cross connections that cannot be permanently corrected and controlled; or

(B) Intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist;

The public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line.

(4) In all cases where such device is required by the Texas Commission on Environmental Quality rules.

(d) Type of assembly required. The type of protective assembly required under subsections (c)(1), (2) and (3) of this section shall depend upon the degree of hazard that exists, as follows:

(1) In the case of any premises where there is an auxiliary water supply as stated in subsection (c)(1) of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure principle backflow prevention assembly.

(2) In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.

(3) In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants.

(4) In the case of any premises where there are uncontrolled cross connections, whether actual or potential, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure principle backflow prevention assembly at the service connection.

(5) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impracticable to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air gap separation or an approved reduced-pressure principle backflow prevention assembly on each service to the premises.

(6) In the case of any premises where, in the opinion of the city administrator, an undue health threat is posed because of the presence of extremely toxic substances, the city administrator may require an air gap at the service connection to protect the public water system. This requirement will be at the discretion of the city administrator and is dependent on the degree of hazard.

(7) In any case where the Texas Commission on Environmental Quality rules require a backflow prevention device or other provision to prevent contamination, the requirements of the Texas Commission on

Environmental Quality rules shall govern and control if more stringent than the provisions of this subsection.

(e) Standards for approved device. Any backflow prevention assembly required herein shall be a model and size in compliance with the Texas Commission on Environmental Quality rules, and approved by the city administrator. The term "approved backflow prevention assembly" means an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association titled: AWWA C510-89, Standard for Double Check Valve Backflow Prevention Assembly, and AWWA C511-89, Standard for Reduced-Pressure Principle Backflow Prevention Assembly, and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California established by Specification of Backflow Prevention Assemblies, section ten of the most current issue of the Manual of Cross-Connection Control. The American Water Works Association and Foundation for Cross-Connection Control and Hydraulic Research standards and specifications have been adopted by the city administrator. Final approval shall be evidenced by a certificate of approval issued by an approved testing laboratory certifying full compliance with said American Water Works Association standards and Foundation for Cross-Connection Control and Hydraulic Research specifications. The backflow preventers approved and certified by the Texas Commission on Environmental Quality, or an agency certified by the Texas Commission on Environmental Quality to approve and certify such devices. Backflow preventers that may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow prevention assemblies may be used without further testing or qualification.

(f) Customer inspections mandated. It shall be the duty of the customer-user at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year. In those instances where the city administrator deems the hazard to be great enough, certified inspections may be required at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by the assembly manufacturer's representative, water department personnel, or by a certified tester approved by the city administrator. It shall be the duty of the city administrator to see that these tests are made in a timely manner. The customer-user shall notify the city administrator in advance when the tests are to be undertaken so that the customer-user may witness the tests if so desired. These assemblies shall be repaired, overhauled, or replaced at the expense of the customer-user whenever said assemblies are found to be defective. Records of such tests, repairs, and overhaul shall be kept and made available to the city administrator.

(g) Compliance with West Travis County Public Utility Agency Requirements. Customers must comply with any applicable rules or regulations of the West Travis County Public Utility Agency.

Sec. 20.06.066. General installation and testing requirements.

(a) Installation. All backflow prevention assemblies shall be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications. Backflow preventers which are installed to provide protection against health hazards must also be tested and certified to be operating with specifications at least annually by a recognized backflow prevention assembly tester.

(b) Installation and testing requirements. All backflow prevention assemblies shall be installed and tested in accordance with the manufacturer's instructions, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14) or the University of Southern California Manual of Cross-Connection Control.

(c) Replacement. Backflow preventers shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. The original documentation of each such test, repair, and overhaul shall be kept and submitted to the city within five working days of the test, repair or overhaul of each backflow prevention assembly.

(d) Removal and replacement. 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 an existing assembly or device is moved from its location or cannot be repaired, the backflow assembly or device shall be replaced with a backflow prevention assembly or device that complies with this division, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), the University of Southern California Manual of Cross-Connection Control, or the current plumbing code of the city, whichever is more stringent.

(e) Test equipment. Test gauges used for backflow prevention assembly testing shall be calibrated at least annually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), or the University of Southern California Manual of Cross-Connection Control. The original calibration form must be submitted to the city within five working days after calibration.

(f) Certification. A backflow prevention assembly tester must hold a current endorsement from the Texas Commission on Environmental Quality.

Sec. 20.06.067. Customer service inspections.

(a) Inspection required. A customer service inspection shall be completed prior to providing continuous water service to all new construction, or any existing service when the city has reason to believe that cross connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.

(b) Qualified inspectors. Only persons with the following credentials shall be recognized as capable of conducting a customer service inspection:

(1) Plumbing inspectors and water supply protection specialists that have been licensed by the state board of plumbing examiners.

(2) Certified waterworks operators, and members of other water related professional groups who have completed a training course, passed an examination administered by the Texas Commission on Environmental Quality or its designated agent, and hold a current endorsement issued by the Texas Commission on Environmental Quality.

(c) Required certifications. No direct connection between the city water system and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly. The water service shall be discontinued unless the qualified inspector that inspects the customer's water system certifies that:

(1) There is no direct connection between the city water system and a potential source of contamination.

(2) No cross connection between the public water supply and the private water source exists. Where an actual properly installed air gap is not maintained between the public water supply and the private water supply, the inspector must certify that an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspecting and testing by a recognized backflow prevention assembly tester.

(3) No connection exists which allows water to be returned to the public drinking water supply.

(4) No pipe or pipefitting which contains more than eight percent lead is used for installation or repair of plumbing at any connection that provides water for human use.

(5) No solder or flux which contains more than 0.2 percent lead is used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one lead test shall be performed for each inspection.

Sec. 20.06.068. Amendment and application.

The plumbing code of the city is hereby amended to the extent required to be read and construed in a manner to give effect to this division. In the event of a conflict between this division and any other ordinance or law, the most restrictive standard applies.