

ORDINANCE NO. 2025 - XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CHAPTER 90 "UTILITIES" OF ARTICLE II "WATER AND SEWER SERVICES" TO AMEND "DIVISION 6. BACKFLOW PREVENTION" TO THE CITY CODE OF ORDINANCES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERANCE CLAUSE AND TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 290.44 of the Texas Administrative Code applies to water distribution; and

WHEREAS, Texas Local Government Code Section 290.44(h) outlines the requirements for backflow, siphonage of public water systems; and

WHEREAS, the City Council of the City of Montgomery, Texas, deems the adoption of this Ordinance is in the interest of public health, safety, and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, THAT:

SECTION 1. The City Council adopts the findings and recitals above as true and correct.

SECTION 2. Article II "Water and Sewer Service" of Chapter 90 "Utilities" hereby amends "Division 6. Backflow Prevention" to read as follows:

"Sec. 90-351. Purpose.

The purpose of this division is to:

- (1) Require the installation and annual testing of backflow prevention assemblies that will protect and ensure the quality of the City's potable public water system as required by the TCEQ in Section 290.44 (h) of the Texas Administrative Code.
- (2) Protect the public health, safety and general welfare.

Sec. 90-352. Applicability.

This article applies to all connections that can be identified as potential health hazards, including all strip centers, establishments that prepare and/or sell food, auto repair and parts shops, industrial or manufacturing establishments, apartment buildings, irrigation systems, and any other connection as otherwise determined by the City Engineer.

Sec. 90-353. New connections—Initial testing and certification.

- (a) All new connections shall be inspected by the City's Building Official, or approved designee.
- (b) Irrigation systems will require a pressure vacuum breaker to be installed immediately after the water meter.
- (c) Commercial and industrial water connections will require a reduced pressure zone backflow prevention assembly to be installed immediately after the water meter.
- (d) Fire water connections will require a double detector check backflow prevention assembly installed immediately after the connection to the public waterline.
- (e) Customer shall be responsible for the initial installation and testing of all backflow prevention assemblies.
- (f) Testing and certification must be completed within seven days of the physical connection to the City's water system being made.
- (h) All final test reports shall be completed by a licensed tester who is approved by the assignee of the City's Public Works Director. Within seven days of completion, a copy of the test report will be provided to the assignee.

Sec. 90-354. Existing connections—Initial testing and certification

- (a) Commercial and industrial water connections will require a reduced pressure zone backflow prevention assembly to be installed immediately after the water meter.
- (b) Fire water connections will require a double detector check backflow prevention assembly installed immediately after the connection to the public waterline.
- (c) Customers shall be notified by the City in writing that they are required to install an appropriate backflow prevention assembly within 90 days of the letter. If the customer does not comply the City will install the backflow prevention assembly and back-charge the customer for the installation.
- (d) After installation, testing and certification must be completed within seven days at the expense of the customer.
- (e) Customers must submit the test report, completed by a licensed tester who is approved by the assignee of the City's Public Works Director. Within seven days of completion, a copy of the test report will be provided to the assignee.

Sec. 90-355. Annual testing and certification.

- (a) The City will require all customers with a reduced pressure zone, or a double detector check backflow prevention assemblies tested and certified on an

annual basis. All certifications shall be provided to the assignee of the City's Public Works Director.

- (b) The City, and their assignee will keep records of all certifications.
- (c) A fee will be paid directly to the certified tester by the customer once the testing is completed to cover the cost of the test and certification.
- (d) If a customer's backflow prevention assembly fails the test or does not complete an annual test, the customer will be notified that repairs are required and will be given 7 days to complete the repairs, perform a new test and receive a certification for the customer's backflow prevention assembly.
- (e) If the customer fails to comply within the 7-day time period for repairs and recertification, the City reserves the right to disconnect water service to said customer.

Sec. 90-356. Emergency Suspensions.

- (a) The City's Public Works Director or designee may suspend water service and disconnect service to a customer if the Director or designee 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.

Secs. 90-357—90-380. Reserved."

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. All other ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance on all ordinances or sections of the City Code not specifically amended or repealed shall remain in full force and effect.

SECTION 5. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time,

place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, of the Texas Government Code.

SECTION 6. This Ordinance shall take effect immediately upon its passage and publication.

PASSED AND APPROVED by the City Council of the City of Montgomery, Texas on the 12th day of August, 2025.

CITY OF MONTGOMERY, TEXAS

Sara Countryman, Mayor

ATTEST:

Ruby Beaven, City Secretary