

AN ORDINANCE 2011-06-23-0575

AMENDING CHAPTERS 24, ENTITLED "PLUMBING AND FUEL GAS CODE" AND 34, ENTITLED "WATER AND SEWER" OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ALTERING REQUIREMENTS FOR BACKFLOW PREVENTION DEVICE INSPECTION AND TESTING IN CHAPTER 24, ADDING A NEW DIVISION 8 ENTITLED "BACKFLOW PREVENTION" TO ARTICLE VI, CHAPTER 34 AND PROVIDING FOR PENALTIES AND AN EFFECTIVE DATE.

\* \* \* \* \*

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

**SECTION 1:** Chapter 24 entitled "Plumbing and Fuel Gas Code" of the City Code of San Antonio, Texas, is hereby amended by altering the requirements for backflow prevention device testing and inspection. Changes are delineated by underlined (added) and stricken (~~deleted~~) language below:

**Sec. 608.14.3.**

**608.14.3** The premise owner or responsible person shall have the *backflow* prevention assembly tested by a *state licensed backflow assembly tester* at the time of installation, repair, or relocation and tested and inspected at least on an annual schedule thereafter, or more often when required by the ~~{code official}~~ public water system that provides water to the property where the backflow prevention assembly is installed. All annual inspection and testing shall be performed in accordance with Chapter 34, Article VI, Division 8, of the City Code of San Antonio, Texas. ~~{The periodic testing shall be performed in accordance with approved procedures.}~~

**SECTION 2.** Chapter 34 entitled "Water and Sewers" of the City Code of San Antonio, Texas, is amended by adding a new Division 8 entitled "Backflow Prevention" to Article VI. Water Quality Control and Pollution Prevention. Changes are delineated by the underlined (added) language below:

**DIVISION 8. BACKFLOW PREVENTION.**

**Sec. 34-1075. General provisions.**

- (a) Purpose. The purpose of this division 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 of the City and within the extraterritorial jurisdiction of the City.
- (c) Definitions. As used anywhere in this division, 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.

City: The City of San Antonio, a Texas home rule municipality.

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.

SAWS: The San Antonio Water System, a public water system and an agency of the City, created by City Ordinance No. 75686, passed April 30, 1992.

#### **Sec. 34-1076. Backflow prevention devices.**

- (a) 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 City Code of San Antonio, Texas.
- (b) Each property owner shall cause backflow prevention devices to be installed in compliance with the provisions of Chapter 24 of the City Code of San Antonio, Texas, and the International Plumbing Code and appendices as amended that are adopted by the City in that chapter.

#### **Sec. 34-1077. Inspection and testing.**

- (a) Each property owner is responsible for the maintenance and repair of each backflow prevention device that is located on the property owner's property.
- (b) Each property owner shall have each backflow prevention device located on a property 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.

- (c) Each property owner shall repair or replace a backflow prevention device that fails a test before returning the backflow prevention device to service.
- (d) Each property owner shall deliver the annual report of testing and inspection that is required to be performed by this section to the public water system that provides water to the property where the backflow prevention device is located not later than thirty days after the date of the inspection and testing.

**Sec. 34- 1078. Fees.**

To recover the costs for the implementation of this division, each property owner shall pay the applicable fee for Existing Backflow and Maintenance Report that is provided in Chapter 24, Sec. 24-14 of the City Code of San Antonio, Texas, for each backflow prevention device for which an annual inspection is required by this division to the public water system providing water to the location of each backflow prevention device. The fee shall be delivered to the public water system with the report of annual inspection and testing that is required by this division. Subject to City Council approval, the governing body of each public water system is authorized to amend the amount of the fee charged to recover the costs reasonably related to the performance of the functions for which the fee is charged.

**Sec. 34-1079. Emergency suspension.**

- (a) The chief executive officer of a public water system 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.
- (b) 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.
- (c) The authority granted in this section is in addition to the authority granted to SAWS in Sec. 34-1081 of this division.

**Sec. 34- 1080. 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.

**Sec. 34-1081. Enforcement.**

- (a) 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.
- (b) 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.
- (c) 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.
- (d) Authorization to enforce. SAWS is authorized to take any action authorized by this division against any person committing a violation of this division within SAWS service area. The grant of authority set out in this section does not in any way diminish the authority of the Office of the City Attorney to take any action necessary to enforce the terms of this division, to prosecute violations of this division, and to defend the legality of this division, if challenged.
- (e) Additional enforcement remedies. In addition to any other remedies provided in this division, the City, or SAWS 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.
- (f) Should SAWS 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 SAWS may terminate water and/or sewer service to the location where the violation occurred upon the approval of a resolution by the SAWS Board of Trustees authorizing such termination.

**SECTION 3.** No other provision of the City Code of San Antonio is amended hereby. All other provisions shall remain in effect.

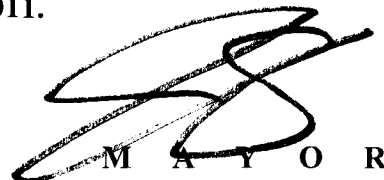
**SECTION 4.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**SECTION 5.** There is no financial impact as a result of the passage of this Ordinance.

**SECTION 6.** The publishers of the City Code of San Antonio are authorized to amend said Code to reflect the changes adopted herein, to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

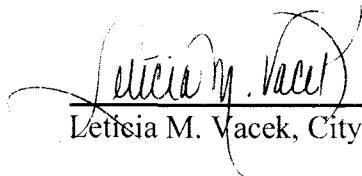
**SECTION 7.** This Ordinance becomes effective immediately upon receipt of eight or more affirmative votes; otherwise, it shall become effective on the tenth day after passage.

**PASSED AND APPROVED this 23<sup>rd</sup> day of June, 2011.**




M A Y O R  
Julián Castro

**ATTEST:**



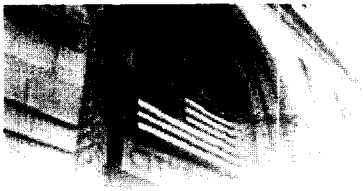
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Letisia M. Vacek, City Clerk

**APPROVED AS TO FORM:**



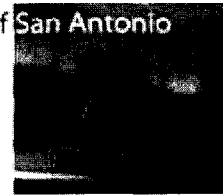
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Michael D. Bernard, City Attorney

for



Request for  
**COUNCIL**  
**ACTION**

City of San Antonio



## Agenda Voting Results - 37

<b>Name:</b>	6A, 6B, 6C, 7, 8, 9, 10, 11, 12, 13, 14A, 14B, 15, 18, 19, 20, 21, 22, 24, 25A, 25B, 25C, 25D, 25E, 25F, 25G, 27, 28, 29, 30A, 30B, 31, 32, 33A, 35, 36, 37, 38A, 38B, 38C, 38D, 38E, 38F, 38G, 38H, 38I, 38J, 38K, 38L, 38M, 38N, 38O, 38P, 38Q, 38R, 38S, 38T, 40, 41, 43, 44, 45, 46, 47, 49A, 49B, 49C, 49D, 50, 51, 52, 53A, 53B, 54, 55, 56A, 56B, 57						
<b>Date:</b>	06/23/2011						
<b>Time:</b>	09:57:52 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance amending Chapter 24, Plumbing and Fuel Gas Code, and Chapter 34, Water and Sewer, of the City Code of San Antonio, Texas, in order to provide the San Antonio Water System (SAWS), and other water purveyors, with authority to administer and monitor a program for annual inspections and testing of backflow devices and authorizing the assessment of a filing fee in order to recover costs associated with administering said program. [T.C. Broadnax, Assistant City Manager; Roderick Sanchez, Director, Development Services]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				x
Ray Lopez	District 6		x			x	
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				