

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

AN ORDINANCE OF THE CITY OF DENTON, TEXAS; ADDING AN ARTICLE XIII ENTITLED CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION TO CHAPTER 26 OF THE CITY OF DENTON CODE OF ORDINANCES; PROVIDING FOR A REPLACEMENT PROGRAM TO CONTROL CROSS-CONNECTIONS AND PREVENT BACKFLOW; REGULATING THE PROTECTION OF THE CITY'S POTABLE WATER SUPPLY; PROVIDING BACKFLOW PREVENTION ASSEMBLY AND INSTALLATION REQUIREMENTS; PROVIDING A MAINTENANCE AND TESTING PROGRAM FOR BACKFLOW PREVENTION ASSEMBLIES; REPEALING ORDINANCE NO. 97-369; PROVIDING A PENALTY UP TO \$2000 FOR EACH VIOLATION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Chapter 341 of the Texas Health & Safety Code, the Texas Commission on Environmental Quality ("TCEQ") has developed rules and regulations that govern drinking water quality and reporting requirements for public water systems; and

WHEREAS, TCEQ's rules and regulations require the protection of the public water system from contaminants introduced by backflow through water service connections; and

WHEREAS, the City of Denton approved Ordinance No. 97-369 on December 16, 1997, initially establishing regulations for backflow prevention; and

WHEREAS, the City Council finds that the most effective way of protecting the public water system from contaminants caused by backflow is to have a cross-connection control program of uniform regulations governing the installation, testing, maintenance, and inspection of backflow prevention assemblies that applies to all properties and provides for the registration of backflow prevention assembly testers; and

WHEREAS, the City of Denton deems it necessary and in the interest of public health, safety, and welfare to replace its current comprehensive cross-connection control and backflow prevention ordinance; and

WHEREAS, the primary objective of this Ordinance is to protect the potable water supply by isolating potential contaminants or pollutants within internal distribution systems or private water systems that could otherwise backflow into the public water system; and

WHEREAS, the comprehensive cross-connection control and backflow prevention program established by this Ordinance ("Program") is intended to eliminate and control all cross-connections, whether actual or potential, between on-site potable water systems and any non-potable water systems, plumbing fixtures, or industrial piping systems; and

WHEREAS, the Program will mandate specific installation and maintenance standards for all backflow prevention assemblies to ensure their proper functionality; and

WHEREAS, to proactively prevent backflow incidents and potential contamination of the potable water supply, the Program will require inspections to verify the integrity and effectiveness of backflow prevention assemblies; and

WHEREAS, the Program will (1) establish the requirements and standards for individuals seeking to become a registered City of Denton backflow prevention assembly tester, including the criteria for obtaining and maintaining the registration, and (2) establish a method for the suspension or revocation of a registration; and

WHEREAS, this Ordinance will provide City staff with the authority to use enforcement procedures to ensure compliance with the Program; and

WHEREAS, the City Council hereby finds and determines that such cross-connection control and backflow prevention regulations are necessary and will protect public health, safety, and welfare; and

WHEREAS, the City Council hereby finds that Ordinance No. 97-369 should be repealed and replaced by adopting Code of the City of Denton, Texas, Chapter 26, Article XIII “Cross-Connection Control And Backflow Prevention”.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference and found to be true.

SECTION 2. Ordinance No. 97-369 is hereby repealed in its entirety.

SECTION 3. The Code of Ordinances of the City of Denton, Texas is hereby amended to add Chapter 26, Article XIII entitled “Cross-Connection Control and Backflow Prevention”, attached hereto as Exhibit “A” and incorporated herein as if fully set forth herein.

SECTION 4. Any person, firm, or corporation found to be violating any provision of this ordinance shall, upon conviction, be found guilty of a Class “C” misdemeanor and fined a sum not to exceed two thousand dollars (\$2,000) for each violation in accordance Sec. 26-347. Every day a violation occurs or continues shall constitute a separate offense.

SECTION 5. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other

remaining phrase, clause, sentence, paragraph, or section of this ordinance.

SECTION 6. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City of Denton under any section or provisions at the time of passage of this Ordinance.

SECTION 7. All ordinances, or parts thereof, and provisions of the Code of the City of Denton, Texas, codified or uncodified, in direct conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of the City of Denton, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 8. The City Secretary is hereby directed to record and publish the above regulations in the City's Code of Ordinances.

SECTION 9. Pursuant to Section 2.09(c) of the Charter for the City of Denton, this ordinance shall become effective fourteen (14) days from the date of its passage and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage.

The motion to approve this Ordinance was made by \_\_\_\_\_ and seconded by \_\_\_\_\_, the Ordinance was passed and approved by the following vote [\_\_\_\_ - \_\_\_\_]:

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Suzi Rumohr, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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GERARD HUDSPETH, MAYOR

ATTEST:

INGRID REX, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:

MACK REINWAND, CITY ATTORNEY

BY: *Christopher Mullins*

# EXHIBIT “A”

## Subpart A - CODE OF ORDINANCES

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### Chapter 26 - UTILITIES

#### ARTICLE XIII. - CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION

##### DIVISION 1. - GENERALLY.

###### **Sec. 26-314. - Article designation.**

This Article XIII is hereby designated and shall be known and referred to as the “Cross-Connection Control and Backflow Prevention” article of the Code of the City of Denton, Texas, Chapter 26 or as the “Cross-Connection Control and Backflow Prevention Ordinance” and shall be referred to herein as the “Article.”

###### **Sec. 26-315. - Purpose.**

There is hereby established a Cross-Connection Control and Backflow Prevention Program intended to promote the public health, safety, and welfare by and through regulations designed to:

- (a) Protect the public Potable Water Supply of the City of Denton from the possibility of contamination or pollution by isolating within Private Water Systems, Contaminants and Pollutants that could Backflow into the Public Water System;
- (b) Promote the elimination or control of Cross-Connections, whether actual or potential, between on-site Potable Water Supplies and Non-Potable Water Supplies, plumbing fixtures, and industrial piping system(s);
- (c) Provide for the maintenance of a continuing program of Cross-Connection control that will systematically and effectively prevent Contamination or Pollution in the Public Water System;
- (d) Establish requirements and responsibilities for Backflow Prevention Assembly Testers;
- (e) Comply with 30 TEX. ADMIN. CODE Chapters 290 (Public Drinking Water) and 344 (Landscape Irrigation); and
- (f) Establish enforcement measures necessary to achieve compliance with the requirements of this Article.

###### **Sec. 26-316. - Cost of compliance.**

- (a) The entire cost of complying with this Article shall be the responsibility of Users.
- (b) Users are responsible for all enforcement costs under this Article.

###### **Sec. 26-317. - Administration.**

This Article shall apply to any Person, firm, or corporation who is a User of the City of Denton Public Water System. Except as otherwise provided in this Article, officials named in the definition of Regulatory Authority in Sec. 26-318 shall administer, implement, and enforce the provisions of this Article, as set forth

herein.

**Sec. 26-318. - Definitions.**

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

*Advanced Metering Infrastructure* or *AMI* means a metering system that enables the automated, remote collection of utility consumption data. This system utilizes a network that is capable of automatically transmitting meter readings to the utility over a communication network, eliminating the need for a utility employee to physically visit the meter to obtain a reading.

*Air Gap* or *AG* means a physical separation between the free-flowing discharge end of a Potable Water Supply pipe or appurtenance and an open or non-pressure receiving vessel, plumbing fixture, or other device. An approved air-gap separation shall:

- (1) be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture, or other device;
- (2) be in no case less than one (1) inch; and
- (3) comply with the 30 TEX. ADMIN. CODE § 290.44 and the Plumbing Code.

*Applicable Laws* means the ordinances, codes, and regulations of the City of Denton, as well as the rules and regulations of the Commission and any other state or federal laws governing Cross-Connection control or Backflow prevention.

*Approved Backflow Prevention Assembly* means a Backflow Prevention Assembly that is a DC, DCDA, DCDA-II, RP, RPDA-II, SVB, or PVB and complies with this Article, the Plumbing Code, and 30 TEX. ADMIN. CODE § 290.44. In the case of a conflict between this Article, state laws or rules, or the Plumbing Code, the more restrictive standard shall apply.

*Atmospheric Vacuum Breaker Backflow Prevention Assembly* or *AVB* means a Backflow Prevention Assembly containing an air inlet valve, a check seat, and air inlet port(s). In no circumstances are AVBs Approved Backflow Prevention Assemblies in the City of Denton.

*Auxiliary Water Supply* means any supply of water other than water from the City of Denton's Public Water System.

*Backflow* means an undesirable reversal of flow of water or a mixture of water and other liquids, gases, or other substances, from any source or sources, into the distribution pipes of the Potable Water Supply.

*Backflow Prevention Assembly* or *Backflow Assembly* means a mechanical plumbing device that, when properly installed and maintained, prevents Backflow from a Private Water System into the Public Water System. Backflow prevention is necessary to stop potentially Contaminated or Polluted water from entering the public water supply due to either a Backpressure or Backsiphonage event.

*Backflow Prevention Assembly Tester* or *Tester* means a Person who (i) holds a Backflow Prevention Assembly Tester License issued by the Commission and (ii) is registered to test Backflow Prevention Assemblies in the City of Denton on any domestic, commercial, industrial, or irrigation line.

*Backflow Protection* means protection against Backflow provided in accordance with this Article, 30

TEX. ADMIN. CODE § 290.44, and the Plumbing Code. In the case of a conflict between this Article, state laws or rules, or the Plumbing Code, the more restrictive standard shall apply.

*Backpressure* means any elevation of pressure in downstream piping (For example, and without limitation, by pump, elevation of piping, steam pressure, or air pressure) above the supply pressure at the point of consideration that would cause or tend to cause a reversal of the normal direction of flow.

*Backsiphonage* means the flow of water or a mixture of water and other liquids, mixtures, or substances into the distribution pipes of the Public Water System from any source other than its intended source caused by a sudden reduction of pressure in the Public Water System.

*Building Official* means the official, or their designee, charged with the administration and enforcement of Chapter 17 of the Code of the City of Denton, Texas.

*City* means the City of Denton, Texas.

*Commission* means the Texas Commission on Environmental Quality (“TCEQ”) or its successor agency.

*Containment* means a method of Backflow prevention that requires the installation of a Backflow Prevention Assembly at the Service Connection.

*Contaminant* means any substance, whether organic, inorganic, radiological, or biological, that could degrade the quality of water in the Public Water System's distribution system and may endanger public health and safety.

*Cross-Connection* means any actual or potential connection or structural arrangement between the PWS and any other source or system through which it is possible to introduce to the PWS any used water, industrial fluid, gas, or substance other than Potable Water Supply. The term “*Cross-Connection*” includes, but is not limited to, bypass arrangements, jumper connections, removable sections, swivel or change-over devices, and any other temporary or permanent devices.

- (1) The term “*Direct Cross-Connection*” means a Cross-Connection that is subject to both Backsiphonage and Backpressure.
- (2) The term “*Indirect Cross-Connection*” means a Cross-Connection that is subject to Backsiphonage only.

*Cross-Connection Control Assembly* means an assembly:

- (1) Placed upon any connection, physical or otherwise, between the PWS and any plumbing fixture, tank, receptacle, equipment, or device; and
- (2) Designed to prevent Contamination in any part of the PWS.

*Customer Service Inspection* or *Cross-Connection Control Inspection* or *CSI* means an examination of the Private Water System by a Commission licensed Customer Service Inspector for the purpose of providing or denying water service. The inspection is limited to the identification and prevention of Cross-Connections, potential Contaminant hazards, and illegal lead materials.

*Degree of Hazard* means either a Health Hazard or a Non-Health Hazard derived from an assessment of materials or substances that may come in contact with the PWS as the result of a Cross-Connection.

- (1) *Health Hazard* means a Cross-Connection, or any other situation, involving a Contaminant.
- (2) *Non-Health Hazard* means a Cross-Connection, or any other situation, involving a Pollutant.

*Director* means the General Manager of Water Utilities and Street Operations for the City or their designees charged with the administration and enforcement of this Article.

*Domestic Use* means any use of water suitable for human consumption, sanitation, bathing, cooking, or other ordinary household purposes or for purposes normally associated with residential, commercial, or institutional establishments such as offices, schools, hospitals, and churches, where the water does not become part of a manufacturing or industrial process.

*Double Check Backflow Prevention Assembly* or *Double Check Assembly* or *Double Check* or *DC* means an assembly that consists of two (2) independently acting and approved check valves and two (2) tightly closing, resilient, and seated shutoff valves attached at each end of the assembly, fitted with properly located resilient seated test cocks. This assembly is only approved for use against Non-Health Hazards.

*Double Check Detector Backflow Prevention Assembly* or *Double Check Detector* or *DCDA* means an assembly composed of a line-size approved double check assembly with a bypass containing a water meter and an approved double check valve assembly. The meter shall register accurately for all rates of flow including, without limitation, low rates of flow up to 2 gallons per minute. This assembly is only approved for use against Non-Health Hazards.

*Double Check Detector Backflow Prevention Assembly-Type II* or *DCDA-II* means an assembly composed of a line-size approved double check assembly with a bypass around the second check containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for all rates of flow including, without limitation, low rates of flow up to 2 gallons per minute. This assembly is only approved for use against Non-Health Hazards.

*Fire Department Connection* or *FDC* means a fitting providing a point of connection for a fire department apparatus to supplement the water supply for standpipes, fire sprinkler systems, or other fire suppression systems within a Premises. This connection typically includes one or more hose inlets with caps and a method of connection to the fire suppression system piping.

*Fire Line Tester* means a Tester who:

- (1) is a full-time employee of an underground fire line contractor licensed by the Texas Department of Insurance; and
- (2) Meets the requirements for Testers provided in this Article.

*Hydrant* means a City of Denton-owned device connected to the Potable Water Supply, consisting of an upright pipe from the Public Water System with a valve and one or more outlets. Its purpose is to provide a point of access for drawing water for uses authorized and regulated by the City.

*Hydrant Meter* or *Stationary Construction Hydrant Meter* means a fixture (i) owned, maintained, and installed by the City of Denton; (ii) composed of a meter and RP combination; and (iii) required at any connection to a Hydrant.

*Mobile Unit* means any operation that may have the potential to introduce Contaminants into a Potable Water Supply from a mobile source. These operations include, but are not limited to, carpet-cleaning vehicles,

water-hauling vehicles, street-cleaning vehicles, liquid-waste vehicles, power-wash operations, and pest-control vehicles.

*New Construction* means:

- (1) Construction of any new building or structure; or
- (2) Construction that:
  - a. Alters the plumbing of an existing building or structure;
  - b. Requires an upsized meter or service line;
  - c. Requires a permit under the International Codes adopted by the City and provided in the Code of the City of Denton, Texas; and
  - d. Is associated with a pending permit application filed with the Building Safety Department after April 7, 2026.

*Non-Potable Water Supply* means any water that does not meet the definition of “*Potable Water Supply*.”

*Non-Residential Use* means any water use not included in the term “*Residential Use*”, as defined in this Article.

*Person* means any individual, firm, partnership, joint venture, association, club, fraternal organization, joint stock company, corporation, cooperative, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

*Plumbing Code* or *PC* means the International Plumbing Code adopted in the Code of the City of Denton Texas, Chapter 28, Article VII, as amended.

*Point-of-Use Isolation* or *Internal Protection* means the appropriate Backflow Protection within the Private Water System at the point where an actual or potential Cross-Connection exists.

*Pollutant* means an impairment of water quality that does not create a hazard to public health but does adversely and unreasonably affect the aesthetic qualities of such water for Domestic Use.

*Potable Water Supply* means any water supply that is suitable for human consumption and meets the definition of Drinking water in 30 TEX. ADMIN. CODE § 290.38(25).

*Premises* means all or any portion of any property, real or personal, to which water is provided including, without limitation, all improvements, mobile structures, buildings, Private Water Systems, or other structures. This term also includes, but is not limited to, residential, commercial, industrial, and institutional Premises.

*Pressure Vacuum Breaker Backflow Prevention Assembly* or *Pressure Vacuum Breaker* or *PVB* means an assembly that provides protection against Backsiphonage but does not provide adequate protection against Backpressure Backflow. The assembly is a combination of a single check valve with an AVB and can be used with downstream resilient seated shutoff valves. In addition, the assembly has suction and discharge gate valves and resilient seated test cocks that allow the full testing of the assembly. This assembly is only approved for protection against Backsiphonage.

*Private Water System* means a water system, or any portion thereof, not owned or operated by the City

of Denton. For the purposes of this Article, a Private Water System begins downstream of the Service Connection.

*Public Water System* or *PWS* means the City of Denton’s publicly owned water system and the Potable Water Supply contained therein. This term includes all services, reservoirs, facilities, lines, and equipment associated with the production, treatment, storage, or conveyance of water for public consumption.

*Reclaimed Water* means wastewater collected and treated at a wastewater treatment plant to a quality that meets or exceeds the requirements of 30 TEX. ADMIN. CODE CH. 210, as amended, and the City of Denton’s authorization pursuant to that chapter. Reclaimed Water is not a Potable Water Supply.

*Reclaimed Water System* means the City of Denton’s publicly owned Reclaimed Water System and the Reclaimed Water contained therein. This term includes all services, reservoirs, facilities, lines, and equipment associated with the production, treatment, storage, or conveyance of Reclaimed Water for non-potable use.

*Reduced Pressure Backflow Prevention Assembly* or *RP* means an assembly containing two (2) independently acting, approved check valves together with a hydraulically operated, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. The assembly shall include properly located, resilient, and seated test cocks and tightly closing, resilient, and seated shutoff valves at each end of the assembly.

*Reduced Pressure Principal Detector Assembly Type II* or *RPDA-II* means a specially designed assembly composed of a line-size approved reduced pressure principal assembly with a bypass around the second check containing a specific water meter and an approved check valve.

*Reduced Pressure Principle Detector Backflow Prevention Assembly* or *Reduced Pressure Zone Detector Assembly* or *RPZDA* means a specifically designed assembly composed of a line-size approved, reduced pressure principal assembly with a bypass containing a specific water meter and an approved reduced pressure principal backflow prevention assembly.

*Regulatory Authority* means any of the following City officials: (i) the General Manager of Water Utilities and Street Operations, or their designated representative, (ii) the City of Denton Building Official, or their designated representative, (iii) the City of Denton Fire Marshal, or their designated representative, or (iv) the City Manager appointed Department Ordinance Administrator, or their designee charged with the administration and enforcement of this Article. City positions included in this definition include any individual holding any successor position of equal authority.

*Representative of the Water System* means a City employee who possesses a Commission-issued Customer Service Inspection License and is designated by the Director to perform Cross-Connection control duties including, but not limited to, Cross-Connection Control Inspections.

*Residential Use* means water use by any Person occupying a single-family dwelling or duplex. This term also includes housing or apartments where individual units are each on a separate meter or, in cases where two (2) units are served by one (1) meter, the units are full-time dwellings.

*Service Connection* means the point of connection between the Public Water System's distribution system and a Private Water System, typically at the water meter or property line, where the City of Denton relinquishes direct control over the water and means of conveyance.

*Spill Resistant Vacuum Breaker Backsiphonage Prevention Assembly* or *SVB* means an assembly containing an independently operating, internally loaded check valve and an independently operating, loaded

air inlet valve located on the discharge side of the check valve.

*Test Report Form* means the standard form adopted and utilized by the Director for the purpose of demonstrating a Backflow Prevention Assembly's compliance with this Article. This form is the only document deemed valid for recording and submitting official test results under this Article.

*Thermal Expansion* means heated water that does not have the space to expand.

*Used Water* means water supplied by the PWS after it has passed through the Service Connection and is no longer under the PWS's control.

*User* means any Person who is an owner, tenant, or lessee of a Premises receiving water service from the Public Water System. The term "*User*" may also include any agent of an owner, tenant, or lessee who is responsible for Backflow Prevention on a Premises receiving water service from the Public Water System.

If a word or term is not defined in this Article, unless the context clearly indicates otherwise, it shall have the definition provided in the current edition of the Manual of Cross-Connection Control published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California. A copy of the Manual of Cross-Connection Control shall be kept on file in the Office of the City Secretary. All definitions that are singular also include the plural form of the term being defined. Named City positions include any applicable successor position.

**Sec. 26-319. - Conflicts between this Article and other ordinances or codes.**

The provisions in this Article are cumulative of all City ordinances. If any other ordinances or codes conflict with this Article, the more restrictive provision shall apply.

**DIVISION 2. - BACKFLOW PREVENTION ASSEMBLY REQUIREMENTS**

**Sec. 26-320. - Backflow prevention assembly requirements.**

- (a) A member of the Regulatory Authority shall determine the type and location of the Backflow Prevention Assembly to be installed on any connection to the PWS.
- (b) Use of an Approved Backflow Prevention Assembly solely at the Service Connection does not satisfy the Backflow Protection requirements found in the PC or this Article.
- (c) An Approved Backflow Prevention Assembly shall be required at the Service Connection for the purpose of Containment in any of the following circumstances:
  - 1. When the nature and extent of any activity at a Premises, the materials used in connection with any activity at a Premises, or the materials stored at the Premises may introduce Contaminants into the PWS;
  - 2. When internal Cross-Connections are present and not correctable;
  - 3. When intricate plumbing arrangements are present that make it impractical to ascertain whether Cross-Connections exist;
  - 4. When a Premises has a repeated history of Cross-Connections being established or re-established;
  - 5. When entry to a Premises is unduly restricted so that inspections for Cross-Connections cannot be made with sufficient frequency to ensure that Cross-Connections do not exist;

6. When materials are being used such that if Backflow or Backsiphonage occurs, a Health Hazard could result;
  7. When an appropriate Cross-Connection survey report form is not on file with the Director;
  8. When a fire sprinkler system is connected to the PWS;
  9. When there is Non-Residential New Construction;
  10. On all New Construction involving Premises owned by any state, federal, or foreign government or agency;
  11. When the end use of a Non-Residential Premises cannot be determined or could change;
  12. When a Point-of-Use Isolation assembly has not been tested or repaired as required by this Article;
  13. When any member of the Regulatory Authority determines that additions or alterations have been made to the Private Water System without the proper permits required by the Plumbing Code;
  14. When any Premises have a booster pump, elevated storage tank, or total height exceeding eighty (80) feet;
  15. When a Premises is connected to the Reclaimed Water System;
  16. When a Premises is supplied water by the City and has an Auxiliary Water Supply;
  17. On all New Construction when a Premises is supplied water by the City and is located outside the City's corporate boundary; or
  18. When any circumstance exists that, in the opinion of the Director, may result in Contamination.
- (d) An Approved Backflow Prevention Assembly shall be required for the purpose of Point-of-Use Isolation in any of the following circumstances:
1. When a Premises has any Cross-Connection(s);
  2. When a Contaminant or Pollutant could make its way into the PWS;
  3. When there is a Used Water return system; or
  4. When installation of an Approved Backflow Prevention Assembly is deemed necessary by any member of the Regulatory Authority to protect the PWS from actual or potential Contamination.
- (e) An existing Backflow Assembly must be replaced with an Approved Backflow Prevention Assembly when:
1. A Health Hazard exists; or
  2. The Director determines that replacement is necessary to protect the PWS from Contamination or Pollution.
- (f) When a Premises is required to have Backflow Prevention Assemblies, but water cannot be turned off during the testing of such assemblies, the Premises shall be equipped with dual Backflow Prevention Assemblies of the same type so that testing, repair, and maintenance can be performed.
- (g) A User commits an offense if the User fails to install and maintain Backflow Prevention Assemblies on a Premises as required by this Article.
- (h) A User commits an offense if Backflow from the Premises enters the PWS.
- (i) Backflow Prevention Assemblies may be exempted from portions of Sec. 26-332 of this Article if such

Backflow Assemblies:

1. Do not comply with the requirements of this Article;
  2. Were installed prior to the effective date of this Article;
  3. Complied with the Code of the City of Denton, Texas and state and federal law for the purposes described herein at the time of their installation;
  4. Have been properly maintained;
  5. Will satisfactorily protect the Public Water System, as determined by the Director; and
  6. Meet the current minimum requirements of state law and the Commission, as amended.
- (j) An existing Backflow Prevention Assembly must be replaced with a new Approved Backflow Prevention Assembly meeting the requirements of this Article when the Backflow Prevention Assembly:
1. Is moved from its last documented location;
  2. Requires more than minimum maintenance; or
  3. Requires maintenance that, in the opinion of the Director, constitutes a Health Hazard.

**Sec. 26-321. - Installation requirements.**

- (a) Backflow Prevention Assemblies shall be installed in accordance with the following requirements:
1. Backflow Prevention Assemblies shall be installed in accordance with the Plumbing Code, Commission rules, this Article, and all other applicable federal, state, and local laws;
  2. Backflow Prevention Assembly installers shall obtain the required plumbing permits prior to installation of any Backflow Prevention Assembly;
  3. Backflow Prevention Assembly installers shall have all Backflow Prevention Assemblies tested and inspected in accordance with Applicable Laws;
  4. All Backflow Prevention Assemblies shall be protected from freezing and other severe weather conditions on a year-round basis;
  5. All Backflow Prevention Assemblies shall be of a type and model approved by (i) the Building Official during construction, renovation, or alteration of any buildings or structures regulated under Chapter 17 of the Code of the City of Denton, Texas or (ii) the Director in all other situations, and
  6. Any installation orientation not approved by the manufacturer of the Backflow Prevention Assembly is prohibited.
- (b) When the Director requires an Approved Backflow Prevention Assembly to be installed at the Service Connection of both Potable and Reclaimed Water supplies, such installation of the assembly shall be immediately behind the meter on the customer's side of the meter. If this is not possible, the assembly must be as close as possible to the meter and installed before any branch in the line and on private property located just inside the boundary between the City right-of-way and the Premises.
- (c) Backflow Prevention Assemblies that are larger than four (4) inches and are installed more than four (4) feet above floor level shall be equipped with a rigid and permanently installed scaffolding acceptable to the Director.
- (d) Bypass lines are prohibited. Pipe fittings that could be used for connecting a bypass line shall not be installed.

- (e) Premises that require Backflow Prevention Assemblies and where an uninterrupted, continuous water supply is critical shall be provided with two (2) Approved Backflow Prevention Assemblies. The Approved Backflow Prevention Assemblies must be installed in parallel to facilitate testing, maintenance, and repair. The Approved Backflow Prevention Assemblies must be sized so that either assembly can individually provide the maximum flow required.
- (f) The Director shall be notified when installation of a Backflow Prevention Assembly is complete. All Backflow Prevention Assemblies shall be inspected and tested pursuant to this Article. All tests shall be submitted online through the City's approved website or as directed by the Director.
- (g) A User commits an offense if the User:
  1. Installs, or arranges for the installation of, a Backflow Prevention Assembly in violation of this Article;
  2. Fails to notify the Director of the installation of a Backflow Prevention Assembly;
  3. Fails to inspect or test, or cause the inspection or testing of, any Backflow Prevention Assembly in accordance with this Article; or
  4. Fails to submit a Test Report Form in compliance with this Article.

**Sec. 26-322. - Right-Of-Way encroachment.**

- (a) Except as provided in this section, no Person shall install or maintain a Backflow Prevention Assembly within any City right-of-way.
- (b) A Backflow Prevention Assembly may be installed upon or within any City right-of-way after all permits, approvals, and inspections to perform work in the right-of-way are obtained as required by applicable City ordinances, codes, and regulations;
- (c) The City may order a Person who owns any Premises utilizing a Backflow Assembly that encroaches upon any City right-of-way to relocate the Backflow Assembly at the Person's sole expense. The City will require relocation of a Backflow Assembly under this section when it is necessary for the City's:
  1. Reconstruction, widening, or straightening of streets;
  2. Placement or installation of traffic signals, traffic signs, or streetlights; or
  3. Construction of any other City public improvement project.
- (d) A Person commits an offense if the Person fails to obey a written order from the City to relocate a Backflow Assembly under subsection (c) of this section.
- (e) A Person commits an offense if the Person installs or maintains a Backflow Assembly in violation of this section.
- (f) A Backflow Assembly installed or maintained in a City right-of-way in violation of this section, or an order issued pursuant to this section, is hereby declared to be a nuisance.

**Sec. 26-323. - Multiple connections.**

Any Premises requiring multiple connections to the PWS for adequacy of supply or fire protection shall have an Approved Backflow Prevention Assembly installed on each Service Connection. The type of Backflow Assembly required for each Service Connection will be based on the Degree of Hazard determined by the Director. Backflow Assemblies installed under this section may only be used if they protect the PWS from Contamination and Pollution.

**Sec. 26-324. - Residential connections.**

If the Director determines that any Premises receiving water for Residential Use has a Cross-Connection, the Premises shall be equipped with an Approved Backflow Prevention Assembly installed in accordance with this Article.

**Sec. 26-325. - Connection of mobile units.**

- (a) Connection of a Mobile Unit to the PWS is prohibited unless the connection is made with a City of Denton issued Stationary Construction Hydrant Meter containing a Reduced Pressure Backflow Prevention Assembly.
- (b) A Person commits an offense if the Person operates or causes to be operated a Mobile Unit in violation of this section.

**Sec. 26-326. - Fire protection systems.**

- (a) Backflow Protection for fire sprinkler systems shall be an approved DCDA, DCDA-II, RPDA, RPDA-II, or AG. When an AG is used, the Director reserves the right to require installation of a meter upstream of the Backflow Assembly.
- (b) An RPDA, RPDA-II, or AG must be installed when any substance other than water from the PWS could be introduced into a sprinkler system.
- (c) The Director reserves the right to require the installation of an AMI adapter on the meter of any DCDA, DCDA-II, RPDA, or RPDA-II.
- (d) Vaults or above ground enclosures are required for installation of Backflow Assemblies on fire suppression systems. All Backflow valves and vaults used on fire suppression systems must be located at the Service Connection.
- (e) Upon installation of a Backflow Prevention Assembly, a Fire Line Tester shall complete a Test Report Form, submit the completed form to the Director, and leave a copy of the completed form on site as required by this Article.
- (f) The Director must be notified when a fire line is retrofitted.
- (g) All fire line equipment including, without limitation, piping and valves must be installed by a state licensed fire sprinkler system contractor. Only Fire Line Testers may test and repair assemblies on fire lines.
- (h) All Fire Department Connections shall be plumbed to connect directly to a fire suppression system at a point situated downstream of the Backflow Prevention Assembly required under this section.

**Sec. 26-327. - Stationary Construction Hydrant Meter protection.**

- (a) All Persons engaging in the use of a Stationary Construction Hydrant Meter must comply with the conditions of this Article.
- (b) Only Stationary Construction Hydrant Meters and Backflow Prevention Assemblies that have been issued by City staff may be used to connect to a Hydrant.

**Sec. 26-328. - Lawn irrigation systems.**

- (a) All lawn irrigation systems require an installation permit issued by the City Building Safety Department prior to installation and must be installed in compliance with the Plumbing Code and the Code of

Ordinances of the City of Denton, Texas.

- (b) Interconnection of Potable Water Supply with an Auxiliary Water Source is prohibited.
- (c) The following Backflow Assemblies are required when a Premises has separate connections to both the City's Reclaimed Water System and the PWS:
  - 1. A DC must be installed (i) immediately past the City's meter(s) used for Reclaimed Water and (ii) just outside the right-of-way before any branch connections; and
  - 2. An RP must be installed (i) immediately past the City's meter(s) used for Potable Water Supply and (ii) just outside the right-of-way before any branch connections.

**Sec. 26-329. - Thermal expansion.**

Users must eliminate the possibility of Thermal Expansion that may cause damage to a Private Water System when a closed system is created by the installation of a Backflow Assembly.

**Sec. 26-330. - Pressure loss.**

The City is not responsible for any reduction in water pressure caused by the installation of a Backflow Assembly.

**Sec. 26-331. - Testing of assemblies.**

- (a) The Director may, at their discretion, require inspection, testing, or both of any Backflow Prevention Assembly when any of the following circumstances apply:
  - 1. Immediately after installation of a Backflow Prevention Assembly;
  - 2. Whenever a Backflow Prevention Assembly is moved;
  - 3. On all New Construction involving Non-Residential Premises:
    - a. A minimum of once (1) per year for all Backflow Prevention Assemblies listed on the University of Southern California's Foundation for Cross-Connection Control and Hydraulic Research (USC-FCCCHR) List of Approved Assemblies; or
    - b. A minimum of twice (2) per year for all Backflow Prevention Assemblies that are *not* listed on the University of Southern California's Foundation for Cross-Connection Control and Hydraulic Research (USC-FCCCHR) List of Approved Assemblies;
  - 4. Prior to re-occupancy when any Premises have been vacated and unoccupied for one (1) year;
  - 5. Immediately after repair of a Backflow Prevention Assembly;
  - 6. Immediately after replacement of a Backflow Prevention Assembly;
  - 7. When the Director determines Backflow Prevention Assembly testing is necessary to protect the PWS from Contamination or Pollution; or
  - 8. After any deficiency or violation of this Article including, but not limited to, the following:
    - a. Falsification of a Test Report Form;
    - b. Incorrect, blank, or incomplete information fields on a Test Report Form; or
    - c. When a Person who does not meet the requirements of Sec. 26-334 tests a Backflow Assembly.
- (b) If a test under Sec. 26-331(a) is required, the Director may supervise the test to confirm compliance with

this Article. Failure to allow supervision under this section will result in revocation of the Tester's registration.

- (c) Users shall notify the Director of a failed Backflow Prevention Assembly test within three (3) days of receiving the results. The notification must provide dates for retesting and any repairs.
- (d) Upon receipt of a notification under Sec. 26-331(c), the Director shall determine whether the Backflow Assembly must be replaced and whether water service will be discontinued until an Approved Backflow Prevention Assembly is installed. Users must replace the Backflow Assembly if the Director determines replacement is necessary to protect the PWS from Contamination or Pollution. Replacement of the Backflow Assembly must be completed by the deadline provided by the Director.
- (e) All Backflow Prevention Assembly testing not involving a fire protection system must be performed by a Tester, as defined in this Article.
- (f) All Backflow Prevention Assembly testing involving a fire protection system must be performed by a Fire Line Tester, as defined in this Article.
- (g) Users must have all Backflow Prevention Assemblies tested in accordance with this Article.
- (h) Premises with installed Backflow Prevention Assemblies that are not registered with the City shall come into compliance with this Article within sixty (60) days of notification from the Director.
- (i) Notwithstanding the sixty (60) days provided in Sec. 26-331(h), if the Director finds that a Health Hazard exists, the Director shall determine the appropriate time for compliance with this Article.
- (j) All Backflow Prevention Assembly test results shall be submitted online through the City's approved website or as directed by the Director.
- (k) A Person commits an offense if the Person owns or controls any Premises and fails to install any Backflow Prevention Assembly required by this Article.
- (l) A Person commits an offense if the Person owns or controls any Premises and fails to test any required Backflow Prevention Assembly in accordance with this Article.
- (m) The City shall not be liable for damage to a Backflow Prevention Assembly that occurs during testing.

**Sec. 26-332. - Installation standards and type of assembly required.**

- (a) Backflow Prevention Assemblies shall be installed in accordance with the following requirements:
  - 1. Backflow Prevention Assemblies shall be installed in accordance with all Applicable Laws;
  - 2. Backflow Prevention Assembly installers shall obtain the required plumbing permits prior to installation;
  - 3. No part of an RP shall be submerged in water or installed in a location subject to flooding;
  - 4. If a Fire DC is installed below grade, non-ferrous plugs shall be maintained in the test ports at all times and adequate drainage shall be provided;
  - 5. All Backflow Prevention Assemblies shall be protected from freezing and other severe weather conditions;
  - 6. All vertical Backflow Assembly installations must be approved in writing by the Director prior to installation;
  - 7. If a Backflow Assembly is installed 4 feet or higher above the floor, it shall be equipped with a rigidly and permanently installed platform with fixed access. This installation shall also meet all applicable requirements set forth in the Occupational Safety and Health Act (29 U.S.C. Ch. 15) and State of Texas occupational safety and health laws; and

8. Backflow Prevention Assemblies may only be installed in vaults that are kept reasonably free of silt and debris and contain a floor drain for proper drainage.
- (b) Variances from the requirements in Sec. 26-332(a) require written approval from the Director and will be evaluated on a case-by-case basis.
- (c) The type of Backflow Prevention Assembly required by the Regulatory Authority shall be commensurate with the Degree of Hazard that exists on the Premises. The minimum types of Backflow Prevention Assemblies required to protect the Public Water System are set forth in Table 1 and Table 2 below; however, the User may choose a higher level of Backflow Protection than required by the City.

***Table 1 – Point-of-Use Isolation***

<b>Health Hazard Installations</b>	<b>Type of Approved Backflow Prevention Assembly Required</b>
Aspirators	RP, PVB, or SVB
Autoclave	RP
Autopsy and mortuary equipment	RP, PVB, or SVB
Bedpan washers	RP, PVB, or SVB
Carbonated Drink Machines	RP-Stainless Steel Assembly and all downstream piping shall be non-corrosive when in contact with CO2 gas
Chemical Dispensers	AG, RP, PVB, or SVB
Connection to industrial fluid systems	RP
Connection to plating tanks	RP
Connection to salt-water cooling systems	RP
Connection to sewer pipe	AG
Cooling towers with chemical additives	RP or AG
Cuspidors	RP, PVB, or SVB
Domestic space heating boiler	RP
Dye vats or machines	RP
Fire-fighting system (toxic liquid foam concentrates)	RP

Flexible shower heads	AVB, RP, PVB, or SVB
Heating equipment commercial	RP
Heating equipment domestic	RP
Hose bibs (untestable)	AVB or HBVB
Irrigation systems on properties with OSSFs	RP
Commercial dishwashers	RP
Disposals or grinders with water connections	RP
Lab bench equipment	RP, PVB, or SVB
Ornamental fountains	RP, PVB, or SVB
Pitcher, cup, or glass washers	AG or RP
Swimming pools - Public	RP
Swimming pools - Private	RP
Sewage pump	AG
Sewage ejectors	AG
Shampoo basins	RP, PVB, or SVB
Specimen tanks	RP, PVB, or SVB
Steam generators	RP
Steam tables	RP, PVB, or SVB
Sterilizers	RP
Tank vats or other vessels containing toxic substances	RP
Trap Primers	AG
Vending machines	RP, PVB, or SVB
Water Filters—Commercial	RP

Water Filters—Residential R/O or Whole home	RP
Water Softeners	RP
Watering troughs	AG, PVB, or SVB

*Note: Situations not covered in Table 1 will be evaluated on a case-by-case basis, and the required Backflow Prevention Assembly shall be determined by the Director.*

*Note: Commercial in-line filters currently protected with DCs may continue to be served by current Backflow Protection until the assembly is no longer repairable in-line, at which time it must be upgraded to an RP.*

**Table 2 – Containment**

Type of Hazard	Minimum Type of Approved Backflow Prevention Assembly Required on a Domestic Service Line
Fire protection systems utilizing chemicals or additives	RPDA
Non-Residential and Residential fire sprinkler systems without chemicals or additives (new installations or remodels of existing systems only)	DCDA or RPDA
Commercial landscape irrigation systems	RP or PVB
Commercial landscape irrigation systems with chemical additives	RP
Private Water System associated with Domestic Use systems on all new non-residential construction	RP
Stationary Construction Fire Hydrant Meters	RP
Service Connections where any Person or governmental entity is purchasing Potable Water Supply for the purpose of resale or distribution	RP or AG at each service connection
New Construction on Premises owned by any state, federal, or foreign government or agency	RP or RPDA
New Construction on Premises that are outside the City of Denton Corporate Boundaries	RP or RPDA

Animal Watering Sites	AG, RP, PVB, or SVB. However, PVB and SVB are not approved for use in situations where Backpressure exists.
Premises with Auxiliary Water Supply	RP or RPDA

**Sec. 26-333. - Requirements for removal, discontinuation, relocation, repair, or replacement of a Backflow Prevention Assembly.**

- (a) Prior written approval must be obtained from the Director before a Backflow Prevention Assembly may be removed or relocated.
- (b) Use of a Backflow Prevention Assembly may be discontinued or a Backflow Prevention Assembly may be removed from service if the User:
  - 1. Demonstrates that a Cross-Connection no longer exists and is not likely to be created in the future; and
  - 2. Receives prior written approval from the Director.
- (c) A Backflow Prevention Assembly may be relocated if the User:
  - 1. Demonstrates that the relocation will satisfy the requirements of this Article; and
  - 2. Receives prior written approval from the Director.
- (d) A Backflow Prevention Assembly may be removed for repair subject to the following requirements:
  - 1. The Tester must notify the Director before the Backflow Prevention Assembly is removed for repair;
  - 2. A test conducted in accordance with this Article must be completed following repair of the Backflow Prevention Assembly; and
  - 3. Repair of the Backflow Prevention Assembly must be completed within a time period prescribed by the Director.
- (e) A Backflow Prevention Assembly may be removed and replaced subject to the following requirements:
  - 1. All replacement Backflow Prevention Assemblies must be approved by the Director and must be commensurate with the Degree of Hazard involved;
  - 2. The Tester must notify the Director before the Backflow Prevention Assembly is removed; and
  - 3. Replacement of the Backflow Prevention Assembly must be completed within the time period prescribed by the Director.
- (f) Water service may be suspended by the Director when a Backflow Prevention Assembly is removed.

**Sec. 26-334. - Registration requirements for Backflow Prevention Assembly Testers.**

- (a) To operate as a Backflow Prevention Assembly Tester on Backflow Assemblies supplied water by the PWS, a Person licensed by the Commission must annually:
  - 1. Register with the Director; and
  - 2. Pay a Backflow Prevention Assembly Tester registration fee and any other applicable fees, as revised and approved by the Denton City Council from time to time.

(b) An applicant filing for registration with the City must:

1. Identify all test gauges the applicant will use to test Backflow Prevention Assemblies and provide a copy of the annual gauge calibration sheet(s);
2. Recognize the importance of performing the Backflow Prevention Assembly testing in a safe and responsible manner to prevent damage, injury, or loss to individuals or the environment;
3. Recognize that Backflow Prevention Assembly testing, including materials and equipment, could impact the City;
4. Assume responsibility for implementing and monitoring all Environment, Health, and Safety (EHS) precautions and programs related to Backflow Prevention Assembly testing, including work specific required safety training (i.e., “Confined Space Training”);
5. Comply with all applicable standards and regulations pertaining to safety, health, and the environment including, but limited to, those found in 29 C.F.R. Part 1926 (the OSHA construction standard), 29 C.F.R. Part 1910 (the OSHA general industry standard), and all federal, state, local, and municipal laws and guidelines relating to Backflow Prevention Assembly testing;
6. Provide a copy of the applicant’s valid driver’s license;
7. Provide a copy of the applicant’s Backflow Prevention Assembly Tester license issued by the Commission;
8. Meet the insurance requirements provided in Sec. 26-334(c);
9. Successfully complete a training program established by the City regarding its standards and procedures for Backflow Prevention Assembly testing and achieve a minimum score of seventy (70) percent on a subsequent assessment; and
10. Provide any other documentation requested by the Director.

(c) Applicants filing for registration must meet the following insurance requirements:

1. Obtain and keep in full force and effect commercial general liability and automobile liability insurance written by an insurance company that:
  - a. Is approved by the State of Texas;
  - b. Is acceptable to the City; and
  - c. Is rated A- or better, with a financial size of Class VI or higher, by A. M. Best or has an equivalent rating from another insurance rating service approved by the City;
2. The insurance required by this subsection must be issued in the standard form approved by the Texas Department of Insurance and all provisions of the policy must be acceptable to the City;
3. The insured provisions of the policy required by this subsection must name the City and its officers and employees as additional insurers, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property caused by the negligent acts of the Tester;
4. The commercial general liability insurance required by this subsection must be provided with combined single limits of liability for bodily injury and property damage of not less than five hundred thousand dollars (\$500,000.00) for each occurrence; and
5. The automobile liability insurance required by this subsection must provide combined single limits of liability for bodily injury and property damage of not less than five hundred thousand dollars (\$500,000.00) for each occurrence and \$100,000 per accident for property damage or

\$500,000, if combined.

(d) A registration shall remain in effect for a period of one (1) year, provided that:

1. The Tester maintains every license, registration, and authorization required by the Commission;
2. The Tester maintains eligibility for registration in accordance with this Article;
3. The Tester pays the registration fee and any other applicable fees required under this Article;
4. The Tester maintains all insurance required by the City; and
5. The Tester's registration is not revoked by the Director pursuant to the process outlined in this Article.

**Sec. 26-335. - Revocation of a Tester's registration and offenses.**

(a) The Director may revoke a registration if the Director determines the Tester:

1. Submitted a false, incomplete, illegible, or inaccurate Test Report Form;
2. Used inaccurate gauges;
3. Used improper testing procedures;
4. Is not in compliance with registration requirements;
5. Has not maintained all insurance required by the City;
6. Failed on three or more occasions in a calendar year to return completed Test Report Forms to the Director within the time period required by this Article; or
7. Violated any other requirement or provision of this Article.

(b) A Tester whose registration is revoked may appeal by following the process in Sec. 26-348.

(c) The Director will maintain a current list of Testers.

(d) A Person commits an offense if they test a Backflow Prevention Assembly located anywhere water is provided by the PWS without being registered with the City in accordance with this Article.

**Sec. 26-336. - Backflow Prevention Assembly Tester responsibilities.**

(a) A Backflow Prevention Assembly Tester shall:

1. Maintain testing equipment in proper working condition and calibration;
2. Perform competent and accurate certifications on every Backflow Prevention Assembly tested;
3. Record all Backflow Prevention Assembly detector meter readings on a Test Report Form;
4. Report passing test results to the Director within ten (10) days of testing;
5. Report failing test results to the Director as soon as practicable, but no later than three (3) days after testing;
6. Provide a copy of any completed Test Report Form to each User associated with the Backflow Prevention Assembly that was tested; and
7. Maintain all testing and repair records for a minimum of three (3) years.

(b) A Backflow Prevention Assembly Tester shall not:

1. Change the design or operation characteristics of a Backflow Prevention Assembly including, without limitation, by installing non-manufacturer approved parts; or

2. Commingle Backflow test gauges used on a Reclaimed Water System or other water system containing Non-Potable Water Supply with test gauges used in connection with a Potable Water Supply.
- (c) To ensure Backflow Prevention Assembly tests are properly conducted, at least one (1) but no more than five (5) Testers will be randomly selected each month to be observed by the Director. The Tester(s) will be notified by certified mail and email that they will be observed. When a Tester has been chosen for random observation, they shall have thirty (30) days from the date of the notification to schedule and complete an approved observation with the Director. Failure to schedule an observation will result in the Tester's registration being revoked. A Tester's registration may be reinstated if the observation is completed and approved by the Director.

**Sec. 26-337. - Customer Service Inspections.**

- (a) A Customer Service Inspection must be completed by the Regulatory Authority prior to providing water service when any of the following circumstances apply:
1. For newly constructed Premises;
  2. After any material improvement or alteration of existing Premises;
  3. Following any alteration or addition to the plumbing of any Premises, as deemed necessary by the Director; or
  4. When the Director deems it necessary to protect the PWS from Contamination or Pollution.
- (b) Water service shall not be supplied until a Customer Service Inspection required under subsection (a) of this section is completed and all plumbing complies with this Article and all applicable provisions of the Code of the City of Denton, Texas.
- (c) The Director, in their sole discretion, may require a Customer Service Inspection of any Premises. The CSI may be conducted by the Director:
1. When there is reasonable cause to believe a risk to the Public Water System exists; or
  2. To confirm the absence of risk to the Public Water System after a substantial period since the last inspection.
- (d) Users shall report any CSI findings to the Director and eliminate Cross-Connections discovered during a Customer Service Inspection.
- (e) The Building Official shall submit copies of all original Customer Service Inspection certificates to the Director. The Director shall retain these files for a period of ten (10) years.

**Sec. 26-338. - Access to Premises.**

- (a) Users shall permit the Director to enter their Premises for the purpose of:
1. Inspecting pipes and fixtures;
  2. Inspecting the manner in which water is used; and
  3. Determining compliance with this Article.
- (b) The Director's right of entry under this Article is a condition of water service.
- (c) Upon request by any member of the Regulatory Authority, and as a condition of water service, any User who receives or seeks to receive water service must promptly remove, at their sole expense, any security barrier or other obstacle that could impede access by the Regulatory Authority to the User's Premises for the purposes stated in subsection (a) of this section.

- (d) A Person receiving water service from the City commits an offense if the Person:
  - 1. Fails to remove a barrier or obstacle to access to a Premises by any member of the Regulatory Authority for purposes authorized under this Article; or
  - 2. Unreasonably delays access to a Premises by any member of the Regulatory Authority for purposes authorized under this Article.
- (e) Any member of the Regulatory Authority may apply to the municipal court or any other court of competent jurisdiction for a search warrant if:
  - 1. A Person denies the Regulatory Authority access to any Premises connected to the PWS;
  - 2. A Person denies the Regulatory Authority access to any Public or Private Water System connected to the PWS; or
  - 3. The Regulatory Authority has probable cause to believe there is:
    - a. A violation of this Article or any enforcement order of the City;
    - b. A need to conduct a Cross-Connection Control Inspection to protect public health and safety; or
    - c. Any other threat to public health and safety.

**Sec. 26-339. - Wholesale customers.**

Any customer that has a contract for any type of wholesale water service with the City shall have an active and ongoing Backflow and Cross-Connection control program approved by the Director. The City reserves the right to require an RP or AG at an interconnect, especially if the customer's Backflow and Cross-Connection Control program is not proven, after a thorough review by the Director, to be at least as stringent as the requirements of this Article.

**DIVISION 3. - ENFORCEMENT; SUSPENSION OF WATER SERVICE**

**Sec. 26-340. - Enforcement.**

- (a) Every member of the Regulatory Authority shall have the authority and responsibility to enforce the provisions of this Article.
- (b) Compliance with this Article is a condition of water service.
- (c) Water service by the City to any Premises is prohibited unless all Backflow Prevention Assemblies required by this Article:
  - 1. Are installed in accordance with this Article;
  - 2. Pass all testing required by the Article; and
  - 3. Are in operational condition.
- (d) The Building Official shall not approve a certificate of occupancy until all Backflow Prevention Assemblies have been tested and are operational.

**Sec. 26-341. - Emergency suspension of water service.**

- (a) The Director may, without prior notice, suspend water service to any Premises when such suspension is necessary to stop actual or threatened Backflow and:
  - 1. The Backflow presents or may present an imminent and substantial danger to the environment,

- persons, or public health and safety; or
2. The Backflow presents or may present an imminent and substantial danger to the PWS.
- (b) As soon as practicable after the suspension of water service, the Director shall:
1. Notify the User of the suspension in-person or by certified mail, return receipt requested; and
  2. Order the User to eliminate the Cross-Connection associated with the suspension.
- (c) If a Person fails to comply with an order issued under subsection (b) of this section, the Director may take such steps as the Director deems necessary to prevent or minimize damage to the PWS and to protect public health and safety.
- (d) The Director shall not reinstate suspended water service until:
1. The User presents proof, satisfactory to the Director, that the Backflow and its cause(s) are eliminated;
  2. The User reimburses the City for all costs incurred in responding to the Backflow or threatened Backflow; and
  3. The User pays the City for all costs the City will incur to reinstate service to the Premises.
- (e) A User whose water service has been suspended may appeal the suspension in accordance with Section 26-348 of this Article.
- (f) A Person commits an offense if the Person uses any wrongful means to reinstate water service suspended pursuant to this Article.
- (g) The remedies provided by this section are in addition to any other remedies set forth in this Article and the Code of the City of Denton, Texas. Exercise of these remedies shall not be a bar against, nor a prerequisite for, taking any other action against a violator.

**Sec. 26-342. - Suspension of water service.**

- (a) The Director may suspend water service provided to a Premises when a User:
1. Refuses to provide the Director with reasonable access to the Premises for the purpose of a Customer Service Inspection;
  2. Hinders or denies the Director's access to Backflow Prevention Assemblies;
  3. Fails to install, maintain, or test any Backflow Prevention Assemblies in accordance with this Article;
  4. Fails to install, maintain, or operate piping and plumbing systems in accordance with the PC; or
  5. Fails to adhere to any other requirements of this Article.
- (b) The Director will notify the User in writing that water service will be suspended three (3) days before the suspension takes place.
- (c) Suspension of water service by the Director shall not be a bar to, nor a prerequisite for, taking any other action against any Person who violates any provision or requirement of this Article.
- (d) The Director shall not reinstate suspended water service until:
1. The User presents proof, satisfactory to the Director, that the Premises is in compliance with this Article; and
  2. The User pays the City for all costs the City incurs in its efforts to reinstate water service.

- (e) A Person commits an offense if the Person uses any wrongful means to reinstate water service suspended pursuant to this Article.
- (f) The remedies provided by this section are in addition to any other remedies set forth in this Article and the Code of the City of Denton, Texas. Exercise of these remedies shall not be a bar against, nor a prerequisite for, taking any other action against a violator.

**Sec. 26-343. - Nuisance.**

Cross-Connections or any Contaminants associated with Backflow entering, or threatening to enter, the PWS from any Premises are hereby declared to be a public nuisance.

**DIVISION 4. - BACKFLOW FEES AND CHARGES**

**Sec. 26-344. – Testing fees and non-compliance fee.**

- (a) A testing fee approved by the City Council shall be paid to the City for each Backflow Prevention Assembly tested. The testing fee shall be paid when the Tester submits a Test Report Form to the Director.
- (b) A retest fee approved by the City Council shall be paid to the City for each Backflow Prevention Assembly that needs to be retested. The retest fee shall be paid when the Tester submits a Test Report Form to the Director.
- (c) A User who fails to test any Backflow Prevention Assembly within 15 days of the test due date will be subject to a non-compliance fee. The non-compliance fee shall be in an amount established by the City Council and will be included in the bill for utility services associated with the Premises. The non-compliance fee will be applied monthly for each applicable Backflow Assembly until testing is completed and a Test Report Form is submitted in accordance with this Article.

**Sec. 26-345. - Backflow tester registration fee.**

A Person registering with the City as a Tester must pay an annual registration fee to cover administration costs associated with registration. The fee is not refundable and shall be in an amount established by City Council.

**DIVISION 5. – VARIANCES; PENALTY FOR VIOLATIONS; AND OTHER REMEDIES**

**Sec. 26-346. - Variances**

- (a) Variances from the requirements of this Article may be authorized by the Director in writing, if the Director determines, in their sole discretion, that the requested variance:
  - 1. Does not create, or have the potential to create, a Health Hazard; and
  - 2. Does not violate any applicable state or federal laws, rules, or regulations.

**Sec. 26-347. - Penalty for violations and other remedies.**

- (a) A Person who violates any provision of this Article is guilty of a misdemeanor. Each day a violation continues shall be considered a separate offense.
- (b) If the definition of an offense under this Article does not prescribe a culpable mental state, then a culpable mental state is not required, and the offense is one of strict liability. A strict liability offense shall be

punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00). Although not required, if a culpable mental state is in fact alleged in the charge of the offense, such offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00).

- (c) If the definition of an offense under this Article prescribes a culpable mental state, then a culpable mental state is required, and the offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00).
- (d) All penalties in this Article are in addition to and cumulative of any other remedies that may be available to the City at law and in equity, including, without limitation, injunctive relief.

**Sec. 26-348. - Appeals.**

- (a) A Person may appeal a final decision of the Director by submitting a written request for appeal to the City of Denton City Manager within seven (7) business days of an adverse decision or action. The request for appeal must specify the grounds for appeal and contain all relevant information related to the appellee's request.
- (b) The City Manager shall, within ten business (10) days after the request for appeal is submitted, consider all the items listed in subsection (c) of this section and either sustain or reverse the decision. The decision of the City of Denton's City Manager is final.
- (c) In considering an appeal, the City Manager shall consider the following:
  - 1. The information provided in the request for appeal by the appellee;
  - 2. Relevant facts, information, and applicable statutes, codes, rules, and policies, as presented by the Director; and
  - 3. The requirements and intent of the applicable provision(s) of this Article.