

ORDINANCE NO. 143.

**AN ORDINANCE REGULATING MUNICIPAL WATER AND SEWER SERVICE
AND FOR THE CONTROL OF BACKFLOW AND CROSS CONNECTIONS**

AN ORDINANCE REPEALING AND REPLACING IN ITS ENTIRETY ORDINANCE NUMBER 84 WHICH WAS ADOPTED AND EFFECTIVE JANUARY 1, 2010, IN ORDER TO CONSOLIDATE ALL EXISTING WATER AND SEWER SERVICE REGULATIONS AND TO ADD REGULATIONS FOR THE CONTROL OF BACKFLOW AND CROSS-CONNECTIONS; PROHIBITING UNAUTHORIZED CONNECTIONS; REQUIRING A PERMIT FOR ALL WATER AND SEWER CONNECTIONS; PROHIBITING UNLAWFUL OR UNAUTHORIZED ACCESS AND USE OF WATER AND SEWER FACILITIES AND SERVICES; REGULATING THE INSTALLATION, TESTING AND MAINTENANCE OF BACKFLOW PREVENTION ASSEMBLIES; REQUIRING INSPECTIONS; PROVIDING FOR A PENALTY OF UP TO \$500; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS ADOPTED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the City Council finds it is necessary in order to preserve and maintain the public health, safety, and welfare of the citizens of Coahoma, Texas, that certain regulations related to municipal water and sewer service in the city limits of Coahoma be adopted and;

WHEREAS, the City Council finds that in order to protect the public potable water supply of the City of Coahoma from the possibility of contamination or pollution by prohibiting cross-connections and requiring certain backflow prevention assemblies for connections to the City's water and sewer system.

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

ARTICLE I. WATER AND SEWER SERVICES

Section 1. Water connections; permit.

- (a) It shall be unlawful for any person to make or permit to be made any connections with the main or service pipes of the waterworks system or to turn on or use the water of such system without first obtaining a permit therefor.
- (b) It shall be unlawful for any person to make any connection to the mains or pipes of the waterworks system of the City without first making application for a permit with the city, stating fully the several and various uses for which water is wanted, giving the name of the street and house or business address. Upon the payment of the tapping fee, the Water Department shall make or have made the necessary connections. All premises connected with any water main or being supplied with any water from the City waterworks, shall have a separate service connection. If the application is approved by the designated official, a permit will be issued. All fees and charges shall be paid for at amounts and rates fixed by the city council.

Section 2. Sewer Connections.

It shall be unlawful for any person to run wastewater of any kind from any place of business or private residence into the city sewer without first making an application for a permit with the city. Any house or business connection for sewer service from the city sewer lateral shall be installed at the expense of the connector in accordance with the regulations of and subject to inspection by the city.

Section 3. Privies.

It shall be unlawful for any person to permit or construct, or cause to be permitted or constructed, any privy within the city limits.

Section 4. Unauthorized connections.

It shall be unlawful for any person not authorized by the city council or the Water Department to tap or make connection with any sewer or water main belonging to the city.

Section 5. Furnishing water to another without authorization.

- (a) It shall be unlawful for any person without the permission of the city council or the Water Department to connect, install or permit any pipe or plumbing fixtures to be connected in or about any place or premises owned or controlled by him so that water may be furnished by the city through a meter not installed for such person, thereby permitting such person for whom a meter is not installed to receive water from the city through the meter of another.
- (b) It shall be unlawful for any person for whom a water meter has been installed to permit his pipe or plumbing fixtures to be connected or in any manner remain connected so that any other person, not connected with such person's family or place of business residing or located at such location, may be furnished water through the meter without the permission of the Water Department.
- (c) It shall also be unlawful for any person, not belonging to the same family or connected with the same place of business residing or located at such location, to allow or permit his pipe or plumbing fixtures to be installed or to remain installed so that he may receive water through the meter of another person for whom a water meter has been installed, without the permission of the Water Department.

Section 6. Unlawful procurement of water.

It shall be unlawful for any person to resort to any fraudulent device or arrangement for the purposes of procuring water for himself or any other person from private connections.

Section 7. Turning on water when turned off by city.

It shall be unlawful for any person to turn on the water supply to any building or to any supply pipe where the supply has been turned off for the nonpayment of the water charge or for any other violation governing the water works system.

Section 8. Opening or closing fire hydrants.

It shall be unlawful for any person to open or close any fire hydrant connected with the water works system of the city or to remove the covers of any gate valves or shutoffs thereof, without the permission of the Water Department, except in case of fire, and then under the direction of public safety officers.

Section 9. Damaging, interfering with works or system.

It shall be unlawful for any person to damage, remove, tap, connect or otherwise interfere with in any manner, any pipe, meter or other apparatus or attachment pertaining to or connected with any water

or sewer works or system, private or public, in this City, or to waste or misuse any supply of water in any manner other than as contracted for, with permission of the person owning the same having been first obtained; provided that when it becomes necessary to interfere with or remove, tap or connect with any part or attachment thereof, the person so removing or interfering therewith shall give the owner thereof or his agent reasonable notice of his intention so to do.

Section 10. Trespassing on water storage tanks.

It shall be unlawful for any person to enter any secured water distribution site or to go upon or ascend the stairway or steps on any elevated water storage tank or standpipe of the waterworks system except by permission of the Water Department.

Section 11. Water meters – Generally

All water meters shall be set, maintained and removed only by employees of the city. The customer in whose name an account is maintained and who is responsible for payment of utility services through that meter, shall be responsible to preserve the meter in good condition, free from damage or tampering, shall keep the meter readily accessible to city employees at all times, and shall be liable to the city for any damages caused to the meter while the meter is in the customer's name. The customer is responsible for payment for all water measured through the water meter established in their name.

Section 12. Water meters – Tampering with; removing; charges

- (a) Definition. Meter tampering shall mean any intentional act that affects any water meter or equipment so that the water supply is:
 - (1) Diverted from passing through a water meter;
 - (2) Prevented from being correctly registered by a water meter; or
 - (3) Activated by any device installed so as to obtain water without a metering device, without the consent of the Water Department; any damage or attempt to damage a water meter and/or any connections thereto; or any attempt by the customer to obtain or reinstate service without the effective consent of the city.
- (b) Removing; tampering. It shall be unlawful for any person to remove any water meter that has been placed by the city or in any manner change, interfere with or tamper with any water meter; provided that the provisions of this section shall not apply to the employees of the city when acting in their official capacity.
- (c) Charges Applicable service charges for meter tampering shall be not less than the sum of the previous two months of water bills or as otherwise prescribed by the City Council. Any charges under this section shall be assessed to the customer in whose name the utility service is listed.

Section 13. Water meters – Concealing boxes.

It shall be unlawful for any person to cover over or conceal from view any water meter valve box, service or meter box.

Section 14. Normal service hours and emergencies.

Normal customer service office, counter and/or drive-up hours shall include the hours of 8:00 a.m. to 5:00 p.m. Monday – Thursday, and 8:00 a.m. to 12:00 noon Friday, except for official holidays observed by the city. Normal customer service residence and/or business (on premise) hours shall include the hours from 8:00 a.m. to 5:00 p.m. Monday – Thursday, and 8:00 a.m. to 12:00 noon Friday. Any customer request for service outside of the normal residence and/or business (on premises) service hours shall be completed on the next regularly scheduled workday. Accounts with emergency customer requests for service outside the normal residence and/or business (on premise) service hours, and which are completed outside the normal residence and/or business (on premise) service

hours, shall be charge the applicable overtime fee.

Sections 15 – 17 Reserved.

ARTICLE II. CONTROL OF BACKFLOW AND CROSS-CONNECTIONS

Section 1. Cross-Connection Control – General Policy

- (a) Purpose. The purpose of this Ordinance is:
 - (1) To protect the public potable water supply of the City of Coahoma from the possibility of contamination or pollution by isolating within the consumer's internal distribution system(s) or the consumer's private water system(s), such contaminants or pollutants which could backflow into the public water system;
 - (2) To promote the elimination or control of existing cross-connections, actual or potential, between the consumer's in-plant potable water system(s) and non-potable water system(s), plumbing fixtures and industrial piping systems; and,
 - (3) To provide for the maintenance of a continuing Program of Cross-Connection Control which will systematically and effectively prevent the contamination or pollution of all potable water systems.
- (b) Responsibility. The Public Utilities Director shall be responsible 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 said Public Utilities Director an approved backflow prevention assembly is required (at the consumer's water service connection; or, within the consumer's private water system) for the safety of the water system, the Public Utilities Director or his designated agent shall give notice in writing to said consumer to install such an approved backflow prevention assembly(s) at a specific location(s) on his premises. The consumer shall immediately install such an approved backflow prevention assembly(s) at the consumer's own expense; and, failure, refusal or inability on the part of the consumer to install, have tested and maintained said assembly(s), shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

Section 2. Definitions

- (a) *Water Supplier* shall mean the City of Coahoma Water System.
- (b) *Water Department* shall mean the City of Coahoma Water Department.
- (c) *Public Utilities Director* shall mean the Public Utilities Director of the City of Coahoma.

Section 3. Requirements

- (a) Water System.
 - (1) The water system shall be considered as made up of two parts: The Water Supplier's (City of Coahoma) System and the Consumer's System.
 - (2) Water Supplier's 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 City of Coahoma, up to the point where the consumer's system begins.
 - (3) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.
 - (4) The distribution system shall include the network of conduits used for the delivery of water

from the source to the consumer's system.

- (5) The consumer's system shall include those parts of the facilities beyond the termination of the water supplier distribution system which are utilized in conveying potable water to points of use.

(b) Policy.

- (1) No water service connection to any premise shall be installed or maintained by the Water Supplier unless the water supply is protected as required by the City of Coahoma laws and regulations and this ordinance. Service of water to any premises shall be discontinued by the Water Supplier if a backflow prevention assembly required by this ordinance 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.

- (2) The consumer's system should be open for inspection at all reasonable times to authorized representatives of the City of Coahoma Water Department to determine whether unprotected cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Public Utilities Director shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the consumer has corrected the condition(s) in conformance with the state and local laws relating to plumbing and water supplies and the regulations adopted pursuant thereto.

- (3) An approved backflow prevention assembly shall also be installed on each service line to a consumer'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:

A. In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the Public Utilities Director, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard.

B. In the case of premises on which any industrial fluids or any other objectionable substance is 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 commensurate with the degree of hazard. This shall include the handling of process waters and waters originating from the Water Supplier's system which have been subject to deterioration in quality.

C. In the case of premises having (i) internal cross-connections that cannot be permanently corrected or protected against, or (ii) 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) The type of protective assembly required under subsections (b)(3) above shall depend on the degree of hazard which exists as follows:

A. In the case of any premise where there is an auxiliary water supply as stated in

subsection (b)(3)(A) 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 or an approved reduced pressure principle backflow prevention assembly.

B. In the case of any premise 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 backflow prevention assembly.

C. In the case of any premise where there is any material dangerous to health, which 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 or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, and mortuaries and plating plants.

D. In the case of any premise where there are unprotected cross -connections, either actual or potential, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly at the service connection.

E. In the case of any premise where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical 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 or an approved reduced pressure principle backflow prevention assembly on each service to the premise.

- (5) Any backflow prevention assembly required herein shall be a make, model and size approved by the Public Utilities Director. The term "Approved Backflow Prevention Assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association entitled: AWWA/ANSI C510-2007 Standard for Double Check Valve Backflow Prevention Assemblies; AWWA/ANSI C511-2007 Standard for Reduced Pressure Principle Backflow Prevention Assemblies; and, have met completely the laboratory and field performance standard of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California (USC FCCCHR) established in: Standards of Backflow Prevention Assemblies Chapter 10 of the most current edition of the Manual of Cross-Connection Control. Said AWWA and USC FCCCHR standards are hereby adopted. Final approval shall be evidenced by a "Certificate of Compliance" for the said AWWA standards; or the appearance of the specific model and size on this List of Approved Backflow Prevention Assemblies published by the USC FCCCHR along with a "Certificate of Approval" for the said USC FCCCHR Standards; issued by an approved testing laboratory. The following testing laboratory has been qualified by the Public Utilities Director to test and approve backflow prevention assemblies:

Foundation for Cross-Connection Control
and Hydraulic Research
University of Southern California,
Los Angeles, California 90089-2531

Testing laboratories other than the laboratory listed above will be added to an approved list as they are qualified by the state or the Public Utilities Director.

Backflow preventers, which may be subjected to backpressure or back-siphonage, that have been fully tested and have been granted 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 test or qualification.

- (6) It shall be the duty of the consumer at any premise where backflow prevention assemblies are installed to have a field test performed by a certified backflow prevention assembly tester upon installation and at least once per year. In those instances where the Public Utilities Director deems the hazard to be great enough, he may require field tests at more frequent intervals. These tests shall be at the expense of the water user and shall be performed by Water Department personnel or by a certified tester approved by the Public Utilities Director. It shall be the duty of the Public Utilities Director to see that these tests are made in a timely manner. The consumer shall notify the Public Utilities Director in advance when the tests are to be undertaken so that an official representative may witness the field tests if so desired. These assemblies shall be repaired, overhauled or replaced at the expense of the consumer whenever said assemblies are found to be defective. Records of such tests, repairs and overhaul shall be kept and made available to the Public Utilities Director.
- (7) All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the field testing and maintenance requirements under subsection (b)(6), be excluded from the requirements of these rules so long as the Public Utilities Director is assured that they will satisfactorily protect the water purveyor's system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the Public Utilities Director finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section.
- (8) The Public Utilities Director is authorized to make all necessary and reasonable rules and policies with respect to the enforcement of this ordinance. All such rules and policies shall be consistent with the provisions of this ordinance and shall be effective (30) days after being filed with the City Secretary of the City of Coahoma.

ARTICLE V. PENALTY, REPEALER, PUBLICATION, SEVERABILITY

Section 1. Criminal Penalty.

Criminal Penalty. Any person who shall violate provisions of this ordinance declaring actions to be unlawful, shall upon conviction be guilty of a misdemeanor and subject to a fine not to exceed five hundred dollars (\$500.00). Each day that a violation of this Ordinance exists shall constitute a separate offense.

Section 2. Repeal.

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

Section 3. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this

ordinance. The Council of the City of Coahoma hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 4. Publication.

The City Secretary is hereby directed to publish a caption of this Ordinance that summarizes its purpose and penalty.

Section 5. Effective Date.

This Ordinance shall be effective upon its passage and publication as required by law.

Section 6. Proper Notice and 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 law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Coahoma, Texas on this the 20th day of June, 2019.

By: 
Warren Wallace, Mayor

ATTEST:


Tammy Griffin, City Secretary