

DIVISION 8. - BACKFLOW PREVENTION

Sec. 34-1075. - General provisions.

- (a) *Purpose.* The purpose of this division is to prevent the contamination of water delivered by public water systems by requiring the maintenance, repair, inspection and testing of backflow prevention assemblies.
- (b) *Application.* This division shall apply within the corporate limits of the city and within the extraterritorial jurisdiction of the city.
- (c) *Definitions.* As used anywhere in this division, the following terms are defined to mean:

Backflow means the reversal of the flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of a public water system.

City means the City of San Antonio, a Texas home rule municipality.

Person means an individual, partnership, joint venture, firm, company, corporation, association, joint stock company, governmental entity, trust, estate, sole proprietorship, or legal entity of any kind or character.

Public water system means a system for the provision of water to the public as defined in Title 30 of the Texas Administrative Code, Section 290.38.

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

(Ord. No. 2011-06-23-0575, § 2, 6-23-11)

Sec. 34-1076. - Backflow prevention assemblies.

- (a) Backflow is prohibited. A person shall not maintain a backflow prevention assembly, plumbing fixture, equipment, or any other assembly that permits backflow, or fail to install a backflow prevention assembly that is required by the City Code.
- (b) Each property owner shall cause backflow prevention assemblies to be installed in compliance with the provisions of chapter 10 of the City Code, and the International Plumbing Code and appendices as amended that are adopted by the city in that chapter.

(Ord. No. 2011-06-23-0575, § 2, 6-23-11)

Sec. 34-1077. - Inspection and testing.

- (a) Each property owner is responsible for the maintenance and repair of each backflow prevention assembly that is located on the property owner's property.
- (b) Each property owner shall have each backflow prevention assembly located on a property owner's property inspected and tested annually by a state licensed backflow assembly tester. The licensed tester performing the inspection and testing shall complete a report of each inspection and testing on a form approved by the public water system that provides water to the property where the backflow prevention assembly is located.
- (c) Each property owner shall repair or replace a backflow prevention assembly that fails a test before returning the backflow prevention assembly to service.
- (d) Each property owner or the property owner's representative shall deliver the annual report of testing and inspection that is required to be performed by this section to the public water system that

provides water to the property where the backflow prevention assembly is located no later than the 30th day of June every year.

- (f) A Backflow Prevention Assembly Test and Maintenance form must be completed by a certified backflow prevention assembly tester for each assembly tested. The signed and dated form must be submitted to the public water system that provides water to the property where the backflow prevention assembly is located within ten (10) days after the completed test. Only San Antonio Water System or an approved TCEQ Backflow Prevention Assembly Test and Maintenance forms will be accepted. All test and maintenance reports shall be retained by the owner of the property where the backflow prevention assembly is located for at least three (3) years after the date of any such test.

(Ord. No. 2011-06-23-0575, § 2, 6-23-11)

Sec. 34-1078. - Fees.

To recover the costs for the implementation of this division, each property owner shall pay the applicable fee for existing backflow and maintenance report that is provided in section 10-83 of the City Code, for each backflow prevention assembly for which an annual inspection is required by this division to the public water system providing water to the location of each backflow prevention assembly. The fee shall be delivered to the public water system with the report of annual inspection and testing that is required by this division. Subject to city council approval, the governing body of each public water system is authorized to amend the amount of the fee charged to recover the costs reasonably related to the performance of the functions for which the fee is charged. The fee may be waived if the report prepared by the state licensed backflow assembly tester that is required by this division is submitted online through the San Antonio Water System electronic submission program. (Ord. No. 2011-06-23-0575, § 2, 6-23-11)

Sec. 34-1079. - Emergency suspension.

- (a) The chief executive officer of a public water system may suspend water service and disconnect service to a person if the chief executive officer determines that contamination or pollution due to backflow presents an imminent threat to the public water system, presents an imminent danger to public health or safety, or threatens to interfere with the operation of the public water system.
- (b) A person notified of the suspension of the person's service by a public water system pursuant to this section shall immediately stop the use of the public water system's water. If a person fails to immediately suspend use of the public water system's water, the public water system may take the actions it determines are necessary to prevent contamination or pollution, or to minimize damage to the public water system.
- (c) The authority granted in this section is in addition to the authority granted to SAWS in section 34-1081 of this division.

(Ord. No. 2011-06-23-0575, § 2, 6-23-11)

Sec. 34-1080. - Access to property.

A public water system, through its employees or authorized agents, may enter property that receives water service from the public water system to inspect backflow prevention assemblies.

(Ord. No. 2011-06-23-0575, § 2, 6-23-11)

Sec. 34-1081. - Enforcement.

- (a) The failure to perform any action that is required by this division, or the performance of any action that is prohibited by this division shall constitute a violation of this division.
- (b) Criminal penalty. A conviction for a violation of any provision of this division shall constitute a class C misdemeanor. A person convicted of a violation of any provision of this division shall be fined an amount of not less than two hundred dollars (\$200.00) per violation and a maximum of not more than two thousand dollars (\$2,000.00) per violation. Each violation of this division shall constitute a separate offense, and each day a violation continues shall be considered a new offense. A culpable mental state is not required to prove an offense under this division.
- (c) Civil penalty. A civil penalty may be imposed for each violation of any provision of this division in an amount not to exceed five thousand dollars (\$5,000.00) per violation. Each violation of any provision of this division shall constitute a separate violation, and each day a violation continues shall be considered a new violation.
- (d) Authorization to enforce. SAWS is authorized to take any action authorized by this division against any person committing a violation of this division within SAWS service area. The grant of authority set out in this section does not in any way diminish the authority of the office of the city attorney to take any action necessary to enforce the terms of this division, to prosecute violations of this division, and to defend the legality of this division, if challenged.
- (e) Additional enforcement remedies. In addition to any other remedies provided in this division, the city, or SAWS for violations of this division that occur within its service area may, at any time, pursue any other legal and/or equitable remedy to require compliance with this division.
- (f) Should SAWS give written notice of a violation of this division to a property owner and the violation is not completely remedied within ninety (90) days after the date of the notice, then in that event SAWS may terminate water and/or sewer service to the location where the violation occurred upon the approval of a resolution by the SAWS board of trustees authorizing such termination.

(Ord. No. 2011-06-23-0575, § 2, 6-23-11)

Secs. 34-1082—34-1100. - Reserved.