



**TOWN OF PONDER
OUTDOOR LAWN SPRINKLER SYSTEM
FOR RESIDENTIAL/COMMERCIAL PROPERTIES
IRRIGATION SYSTEM PERMIT APPLICATION**

TODAY'S DATE: _____

APPLICANT _____ PHONE _____

APPLICANT ADDRESS _____ CSZ _____

PROPERTY OWNER _____ PHONE _____

ADDRESS _____ CSZ _____

BUILDER'S NAME _____ PHONE _____

BUILDER'S ADDRESS _____ CSZ _____

I hereby submit this application for a building permit pertaining to the installation of an outdoor lawn sprinkler system to be located at _____ CSZ _____.

I have carefully examined the completed application and required support documentation and know the same to be true and correct. I hereby agree to comply with all provisions set for the by the Town of Ponder and the State of Texas wherein specified otherwise. I am aware, and will make the owner of such property aware that a backflow prevention assembly test must be performed annually and a copy of that test given to the Town of Ponder.

NOTE: The irrigation system installer must be registered as a contractor with the Town of Ponder.

Applicant Signature: _____ Date: _____

Applicant Printed Name: _____

PERMIT FEE: \$35.00

DATE PERMIT ISSUED: _____

FEE PAID: _____

EXHIBIT "C"

TOWN OF PONDER
BACKFLOW PREVENTION ASSEMBLY TEST REPORT
P. O. BOX 297
PONDER, TX 76259
(940) 479-2396

Check One: ☐ Existing ☐ New ☐ Replacement

Serial # _____

Property Owner: _____ Phone: _____

Location Address _____

City/State/Zip: _____

Mailing Address(If different from above) _____

☐ PVB ☐ DC ☐ RP ☐ Air Gap
☐ SVB ☐ DCDA ☐ RPDA ☐ Other

Manufacturer _____ Size: _____

Model No. _____ Serial No. _____

The backflow prevention assembly detailed above has been tested and maintained as required by TNRCC regulations and is certified to be operating within acceptable parameters.

	REDUCED PRESSURE PRINCIPLE ASSEMBLY		PRESSURE VACUUM BREAKER		
	Double Check Valve Assembly				
	1st Check	2nd Check	Relief Valve	Air Inlet	Check Valve
Initial Test	DC-Closed Tight ☐ RP-_____psid Leaked ☐	Closed Tight ☐ Leaked ☐	Opened at _____psid	Opened at _____psid Did not open ☐	_____psid Leaked ☐
Repairs and Materials Used					
Test After Repair	DC-Closed Tight ☐ RP-_____psid	Closed Tight ☐	Opened at _____psid	Opened at _____psid	_____psid

Firm Name: _____

Firm Address: _____

Firm Address: _____

Gauge Serial No. _____

Date last accuracy tested _____

Certified Tester (Signature) _____

Date _____

Tester Name (Printed) _____

Comments: _____

White Copy: TOP

Yellow Copy: Tester or Customer

Pink Copy: Attach to Assembly

CHAPTER 53: BACKFLOW AND CROSS-CONNECTION CONTROL

Section

- 53.01 Purpose
- 53.02 Definitions
- 53.03 Responsibility
- 53.04 Responsibilities of users
- 53.05 Customer service inspections
- 53.06 Procedures for backflow prevention
- 53.07 Wholesale customers
- 53.08 Assembly testing and testers
- 53.09 Certification of backflow prevention assembly testers
- 53.10 Responsibilities of certified testers
- 53.11 Falsifying information
- 53.12 Enforcement

- 53.99 Penalty

§ 53.01 PURPOSE.

The purpose of this chapter is:

(A) To protect the public potable water supply of the town from the possibility of contamination or pollution by isolating within the town utility customer's internal distribution system(s) or the customer's private water system(s), from any contaminants or pollutants which could backflow into the public water system;

(B) To protect the public water supply of the town from the possibility of contamination or pollution by isolation of the customer's distribution system(s), which includes provisions for backflow prevention;

(C) To promote the elimination or control of existing cross-connections, actual or potential, between the customer's internal potable water distribution system(s) and nonpotable water systems, plumbing fixtures and industrial piping systems; and

(D) To provide for a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the water system.
(Ord. 01-24, passed 8-2-2001)

§ 53.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVED. Accepted by the Director of the Town of Ponder as meeting an applicable specification contained in this chapter.

AUXILIARY WATER SUPPLY. Any water supply on or available to the customer's premises other than the approved town public water supply. These **AUXILIARY WATERS** may include water from another public potable water supply or any natural source(s) such as a well, spring, river, stream; used waters; or industrial fluids. **AUXILIARY WATERS** may be contaminated, polluted or may be objectionable constituting an unacceptable water source over which the town water utility does not have sanitary control.

BACK-PRESSURE. The flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than the intended source.

BACK-SIPHONAGE. The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

BACKFLOW. The reversal of the normal flow of water caused by either back-pressure or back-siphonage.

BACKFLOW PREVENTER. An assembly, device or other means designed to prevent backflow.

(1) **AIR-GAP.** The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the vessel. An approved **AIR-GAP** shall be at least double the diameter of the supply pipe measured vertically above the top of the overflow rim of the vessel and in no case less than 1 inch.

(2) **REDUCED PRESSURE PRINCIPLE ASSEMBLY.** An assembly of 2 independently-acting approved check valves together with a hydraulically operating, mechanically independent pressure relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located test cocks and tightly closing shutoff valves at each end of the assembly. The entire assembly shall meet the design and performance specifications as determined by a laboratory and field evaluation program resulting in an approval by a recognized and approved testing agency for backflow prevention assemblies as listed in this chapter. The assembly shall operate to maintain the pressure in the zone between the 2 check valves at an acceptable level less than the pressure on the public water supply side of the device. At cessation of Norman flow, the

pressure between the 2 check valves shall be less than the pressure on the public water supply side of the device. In case of leakage of either of the check valves the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is 2 pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved, these devices must be readily accessible for in-line testing and maintenance and be installed in a location where no part of the assembly will be submerged.

(3) **DOUBLE CHECK VALVE ASSEMBLY.** An assembly of 2 independently operating approved check valves with tightly closing shutoff valves on each end of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications as determined by a laboratory and field evaluation program resulting in an approval by a recognized and approved testing agency for backflow prevention assemblies. To be approved under the terms of this chapter, these assemblies must be readily accessible for in-line testing and maintenance.

(4) **ATMOSPHERIC VACUUM BREAKER.** A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

(5) **PRESSURE VACUUM BREAKER.** A device containing 1 or 2 independently-operated spring-loaded check valves and an independently-operated spring-loaded air inlet valve located on the discharge side of the check or checks. This device includes tightly closing shutoff valves on each side of the check valves and properly located test cocks for the testing of the check valve(s).

BUILDING OFFICIAL. The Building Official of the Town of Ponder.

COMMISSION. The Texas Natural Resource Conservation Commission (TNRCC) or any successor agency.

CONTAMINATION. An impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials, to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

CROSS-CONNECTION SECTION.

(1) A connection any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which it may be possible for nonpotable, used, unclean, or polluted or contaminated water, or other substances, to enter into any part of the potable water system under any condition.

(2) Any physical connection or arrangement of piping or fixtures between 2 otherwise separate piping systems, 1 of which contains potable water and the other nonpotable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, 4-way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multiport tube.

CROSS-CONNECTION CONTROL BY CONTAINMENT. The installation of an approved backflow prevention assembly at the water service connection (meter) to any customer's premises which shall be required if determined by the Director of Public Works.

CROSS-CONNECTION - CONTROLLED. A connection between a potable water system and a non-potable water system with an approved back-flow prevention assembly properly installed and maintained (so that it will continuously afford the protection from the hazard of backflow).

DIRECTOR. The Director of Public Works for the Town of Ponder, Texas.

HAZARD, DEGREE OF. An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system which may include, with limitation:

(1) **HAZARD - HEALTH.** Any condition, device or practice in the water supply system or its operation which creates or may create, in the judgment of the Director, a danger to the health and well-being of the water customers of the town.

(2) **HAZARD - PLUMBING.** A cross-connection in a customer's potable water system that has not been properly protected by an approved air-gap or approved backflow prevention assembly.

(3) **HAZARD - POLLUTION.** An actual or potential threat to the physical properties of the water system or to the potability of the public water system or the customer's potable water system which would constitute a nuisance or could reasonably cause damage to the water system or its appurtenances, but would not be dangerous to health.

(4) **HAZARD - SYSTEM.** An actual or potential threat of severe damage to the physical properties of the public potable water system or the customer's potable water system or of pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

INDUSTRIAL FLUIDS SYSTEM. Any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into an approved water supply. This may include, without limitation, polluted or contaminated waters; all types of process waters; used waters originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis; circulating cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters (such as from wells, springs, streams, rivers, bays, harbors,

seas, irrigation canals or systems and the like); oils, gases; glycerin; paraffin; caustic and acid solutions; and other liquid or gaseous fluids used in industrial or other processes, or for fire-fighting purposes.

POLLUTION. The presence of any foreign substance (whether organic, inorganic or biological) in water, which tends to degrade its quality so as to constitute a hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

USER or CUSTOMER. Any individual, business or similar public or private entity who buys town water for use in their own customer system.

WATER - NONPOTABLE. Water which is not safe for human consumption or which is of questionable potability.

WATER - POTABLE. Any water which, according to recognized standards, meets the requirements of the Texas Department of Health for human consumption and other domestic uses.

WATER - SERVICE CONNECTION. The terminal end of a service connection from the public potable water system; i.e., where the town loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There shall be no unprotected takeoffs from the service line ahead of any meter or backflow prevention assembly located at the point of delivery to the customer's water system. **SERVICE CONNECTION** shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

WATER SYSTEM. The town water system which consists of the source facilities and the distribution system and shall include all those facilities of the town's water system, up to the point where the

customer's water system begins including, without limitation, distribution lines, treatment plants, reservoirs, pump stations, mains, residential and commercial connections, and any other parts or components that comprise the public water and wastewater system of the town. Additionally the following terms shall mean:

(1) **CUSTOMER'S SYSTEM.** Those parts of the water system facilities beyond the termination of the town's distribution system, which are utilized on conveying utility-delivered domestic water to points of use for its customers.

(2) **DISTRIBUTION SYSTEM.** The town's water distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.

(3) **SOURCE.** The water source shall include all components of the town's water system facilities utilized in the production, treatment, storage and delivery of water to the town's water distribution system.

WATER - USED. Any water supplied by the town from a public potable water system to a customer's water system, after it has passed through the point of delivery and is no longer under the sanitary control of the town.
(Ord. 01-24, passed 8-2-2001)

§ 53.03 RESPONSIBILITY.

(A) The Director shall be responsible for the protection of the public potable water distribution system from contaminants or pollutants through the customer's water service connection and is hereby vested with the authority and responsibility for the implementation of an effective cross-connection control program and shall enforce the provisions of this chapter. If, in the judgment of the Director (or his or her designated agent), an approved backflow prevention assembly is required (at the customer's water service connection or within the customer's private water lines) for the safety of the public water

system, the Directory (or his or her designated agent) shall give notice in writing to the customer to install an approved backflow prevention assembly or assemblies at specific location(s) on the customer's premises. The customer shall immediately install such approved assemblies at his or her own expense; and failure, refusal or inability on the part of the customer to so install, have tested and maintain the assemblies shall constitute a ground for discontinuation of water service to the customer's premises until these requirements have been satisfactorily met.

(B) The Building Official, through the Code Enforcement section, shall assist the Director with the enforcement and implementation of this chapter. The Fire Marshal will also assist the Director with enforcement and implementation of this chapter. The Fire Marshal shall coordinate the annual testing of applicable backflow prevention assemblies with other required annual testing of fire suppression systems as provided in this chapter.

(Ord. 01-24, passed 8-2-2001)

§ 53.04 RESPONSIBILITIES OF USERS.

(A) All property owners, lessees and tenants shall obey the provisions of this chapter. If changes are made to the plumbing system of a customer, the property owner shall notify the Director of Public Works or the Town Building Official.

(B) The owner of leased premises is solely responsible for the installation, testing and repair of all backflow assemblies on or about the leased premises. When the lessee or tenant changes, the owner shall immediately notify the Director.

(C) The cost of complying with these regulations shall be the responsibility of the property owners and their lessees. These costs include but are not limited to purchasing, installation, testing and repair of the backflow assemblies. These costs shall also include point-of-use and premises-isolation assemblies. The

owner or lessee shall reimburse the town for any extraordinary costs or costs of actual tests or corrections performed or incurred at the premises by the town.

(Ord. 01-24, passed 8-2-2001)

§ 53.05 CUSTOMER SERVICE INSPECTIONS.

(A) For those users who have applied for a plumbing permit from the town's permit office and paid the fee of \$35 for new construction; or substantial rehabilitation; work on existing plumbing systems; additions; corrections; or improvements; and at the request of the Director of Public Works, the users shall submit to the Permit Official (or his or her designated representative), the original signed and dated customer service inspection certificate completed by a qualified person prior to receiving a final plumbing inspection approval. The Director of Public Works may also require a user at an existing service to submit a customer service inspection certificate if the Building Official or the Director has reason to believe that a cross-connection or other unacceptable plumbing practice exists. Alternatively, the Building Official or Director of Public Works may elect to provide a customer service inspection certificate for the building permit applicant or building owner.

(B) Only those individuals with the following credentials shall be eligible to conduct a customer service inspection and sign the certificate:

(1) Plumbing inspectors and water supply protection specialists licensed by the Texas State Board of Plumbing Examiners;

(2) Certified waterworks operators; and

(3) Licensed plumbers may perform customer service inspections on single-family residential services only.

(C) The Director of Public Works (or his or her designated representative), shall retain these certificates on file for a period of 10 years. The

certification shall be of a form acceptable to the Director. A sample certification form is shown in Exhibit B which is attached to Ord. 01-24 and incorporated herewith by reference and made a part of this chapter for all purposes. The Director may from time to time modify or amend the form of this certification form, in his or her sound discretion.

(D) The customer's water system shall comply with the requirements listed below, and the certification form shall certify the following that there is:

(1) No direct connection between the public drinking water supply and a potential source of contamination. That potential sources of contamination are isolated from the public water system by an air-gap or an appropriate backflow prevention assembly in accordance with state plumbing regulations. Additionally, that all pressure relief valves and thermal expansion devices are in compliance with the town's Plumbing Code.

(2) No cross-connection in existence between the public drinking water supply and a private water source;

(3) No connection in existence which would allow the return of water used for condensing, cooling or industrial processes back to the public water supply;

(4) No pipe or pipe fitting which contains more than 8.0% lead existing in private plumbing facilities installed on or after July 1, 1988;

(5) No solder or flux which contains more than 0.2% lead existing in customers' plumbing facilities installed on or after July 1, 1988; and

(6) No plumbing fixture installed which is not in compliance with the state-approved plumbing code.

(E) As unacceptable plumbing practices are discovered, users shall eliminate those practices to prevent possible contamination of the water distribution system.

(Ord. 01-24, passed 8-2-2001)

§ 53.06 PROCEDURES FOR BACKFLOW PREVENTION.

(A) No water service connection to any premises shall be installed or maintained by the town unless and until the water supply is protected as required by state and federal laws and regulations and this chapter including, without limitation, the regulations of the Commission. Service of water to any premises shall be discontinued by the town if a backflow prevention assembly required by this chapter is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed or bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until the conditions or defects are corrected. The Director may pursue other remedies to ensure compliance with this chapter. If required, all users shall provide, maintain and routinely test approved backflow assemblies as required by the town's Plumbing Code and by this chapter. The Director may require the installation of approved backflow assemblies as deemed necessary. Residential dwellings with lawn-watering devices shall require a backflow prevention device. All other lawn-watering devices shall require an approved backflow assembly. The type of device shall be determined by the Director.

(B) The customer's water system shall be open for inspection at all reasonable times to authorized representatives of the town to determine whether cross-connections or other system or sanitary hazards, including violations of this chapter, exist.

(C) No cross-connection shall be permitted between any system of piping supplied by water from the mains of the town's water system and any other source of supply, whether public or private.

(D) Where town water is used by a customer as an auxiliary supply to a roof or suction tank, which is also supplied by water from any other source, such tank shall not be of the pressure type, but shall be an open type containing a vent. The delivery of town water shall be above the tank overflow rim and controlled by an approved automatic valve.

(E) It shall be unlawful to maintain potable water storage tanks supplied only with town water, unless the tanks are satisfactorily built and covered so as to prevent the entrance of contaminants. These tanks and static storage systems and other static water storage facilities, including ponds, serving fire suppression systems, shall be designed and built so as to prevent the entrance of contaminants to the town's water system and shall also be subject to periodic inspection by the town, through its Water Department and maintained in a manner in compliance with the standards and requirements of the Commission. Pumps taking suction from the town's water supply serving such static storage systems shall be installed or operated only upon request or permit from the town subject to their approval as to size, rate, capacity and valuing arrangements. Storage tanks supplied with town water shall require an air-gap or approved backflow assembly. In these cases, a specific backflow assembly shall be required at the service connection.

(F) It shall be unlawful for anyone to interconnect private water supplies, including without limitation, deep well systems, with the town's water system.

(G) If required by the Director, an approved backflow prevention assembly shall be installed in each water service line to a customer's water system at a location at or near the property line or immediately inside the building being served, but in all cases before the point where the first branch line leading off of the water service line, wherever any of the following conditions exist:

(1) In the case of premises upon which any industrial fluids or any other objectionable substances are handled in such a manner as to result in 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 appropriate to the degree of hazard in the service line. This shall include but not be limited to the handling of process waters or waters originating from the water utility system which have been subject to deterioration in quality;

(2) In the case of premises having internal cross-connections that cannot be permanently corrected and controlled, or 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 water service line;

(3) Any nonresidential building greater than 1-story elevation; or

(4) Any residential building structure greater than 2-story elevation.

(H) The water supply to all boilers of users shall require internal protection in the form of an approved air-gap separation or an approved reduced pressure principle assembly.

(I) All bypass systems shall include a required backflow assembly as determined by the Director.

(J) The type of protective assembly required to be utilized by the customer shall depend upon the degree of hazard, such as:

(1) In the case of any premises where there is water or any other 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 assembly or by an approved air-gap separation.

(2) In the case of any premises where 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 separation or an approved reduced-pressure principle backflow prevention assembly. Examples of premises where these conditions could exist are listed in Exhibit A, which is attached to Ord. 01-24 and incorporated herewith and made a part of this chapter for all purposes. The Director, upon review of individual facilities of the type listed on Exhibit A, may require a double-check valve assembly if he or she determines that the degree of hazard for that particular user is low.

(3) In the case of any premises where there are uncontrolled cross-connections, either actual or potential, the town water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow prevention assembly at the point of service connection.

(4) In the case of any premises where, because of security requirements or because of other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced-pressure principle backflow prevention assembly in each water service line to the premises.

(5) Any residential or commercial user of town water shall provide backflow prevention on all irrigation systems within the town. Atmospheric or pressure vacuum breakers shall be utilized on irrigation systems subject to the degree of hazard, and subject to the approval of the Building Official and the Director.

(K) Any backflow prevention assembly required herein shall be of a model and a size approved by the 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 (AWWA) entitled *AWWA C506-78 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices*, or as those standards may be amended; which has completely met all laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research (FCCC & HR) of the University of Southern California established by *Specifications of Backflow Prevention Devices* #69-2 dated March 1969 or the most current issue thereof.

(1) The above-stated WAWA and FCCC & HR standards and specifications are adopted by the Town of Ponder and the Director as the applicable standards and specifications assembly shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with the above stated AWWA standards and the above stated FCCC & HR specifications. The following testing laboratories have been qualified by the Director to test and certify backflow prevention assembly devices:

Foundation for Cross-Connection Control &
Hydraulic Research
University of Southern California
University Park
Los Angeles, CA 79007

Texas A & M University
Extension Services
College Station, TX 77843-8000

(2) Testing laboratories other than those listed in this section will be added to an approved list as they are qualified by the Director. Backflow preventers which may be subjected to back-pressure to back-siphonage that have been fully tested and have been granted a certificate of approval by the qualified laboratories and are listed on the laboratory's current list of "Approved Backflow Prevention Devices" may be used with the written approval of a qualified tester, as defined herein.

(L) It shall be the responsibility of the Director to determine the need for double-detector check or backflow prevention assemblies related to fire protection systems. This determination will be made on individual installations or fire suppression systems.

(M) All backflow/back-siphonage assemblies shall be installed in accordance with current town water utility standards. Vaults and dimensions shall also conform to those standards.

(N) All assemblies, other than those related to fire protection systems, shall be inspected by the Building Official or his or her designee upon completion of the building or remodeling project or development, for approval by a qualified tester.

(O) Should any system supplied by the town water be operated in violation of any provision of this chapter, the Director shall direct that all service lines serving the system be completely disconnected until this chapter has been complied with. Any cost of this disconnection and the estimated cost of reconnection shall be paid by the consumer before water service shall be restored. If fire protection is being supplied by the noncompliant system, the town may elect to disconnect only the water service for non-fire suppression uses, and may issue citations to the user until such time as the user corrects the problem, or the user's assemblies are tested, and thereafter charge the user for the testing. The issuance of citations for violations of this chapter shall be the responsibility of the Director. However, the owner of premises is responsible for proper protection and all liability in connection with all cross-connection violations.

(P) All presently installed backflow prevention assemblies that do not meet the requirements of this chapter but which were approved devices for the purposes described herein at the time of their installation and which have been properly maintained, shall, except for the inspection and maintenance requirements, be excluded from the requirements of these rules only if the Director is assured that the assemblies will satisfactorily protect the town water system. Whenever any existing device is moved from its present location, or requires more than minimum

maintenance, or when the Director finds that the maintenance constitutes a hazard to health, the device shall be replaced by an approved backflow prevention assembly meeting the requirements of this chapter.

(Q) Test cocks shall be required on all backflow prevention assemblies.

(R) Identification, including the size, model number and serial number shall be placed on the actual device at least 1/4 inch in height, and of durable marking material.

(S) A plumbing permit must be obtained for installation of all backflow prevention assemblies.

(T) All approved backflow assemblies shall be of the type which is basically non-removable and installed in such a manner that removal of the assembly would prohibit water flow.

(U) If a cross-connection arises, the Director may recommend that a boil water order be made. This order shall provide protection in such a hazardous situation. The duration of the order shall be determined by the Director.

(V) All cases of cross-connection shall be immediately reported to the Director and the Building Official.

(W) Internal protection surveys shall be performed once each year per establishment and as further required by the Director, in the interest of public health and safety.

(X) It is the responsibility of the property owner to eliminate the possibility of thermal expansion, if a closed system has been created by the installation of a backflow assembly.

(Y) Any water pressure drop caused by the installation of a backflow assembly shall not be the responsibility of the Town of Ponder. The town Water Utilities Department may provide reasonable assistance to any property owner regarding

information respecting the adequate sizing of assemblies, proper plumbing practices to provide for required pressure and flows for fire protection or domestic service.

(Z) Mobile units.

(1) A person who owns or operates any vehicle that uses water from the Town of Ponder's public water system shall obtain a use permit from the Director before accessing the public water system. The Director may require a fixed air-gap mounted on the top of the vehicle.

(2) The failure of any customer to comply with this chapter shall be grounds for the town to revoke any use permit and to deny the customer the privilege of reapplying for the permit in the future.

(3) The Director may deny a use permit to any person who is not in compliance with this chapter (or who has a history of violating the requirements of the section).

(4) Any tampering or removal of backflow assembly on any fire hydrant meter is unlawful and will constitute a violation of this chapter by the person so tampering or removing any assembly, who shall be subject to the penalties provided by this chapter. (Ord. 01-24, passed 8-2-2001) Penalty, see § 53.99

§ 53.07 WHOLESALE CUSTOMERS.

Every wholesale customer that has a contract for water services with the town shall have an active, ongoing cross-connection program approved by the Director. The town reserves the right to require a reduced pressure principle assembly or air-gap at the point of interconnect.

(Ord. 01-24, passed 8-2-2001)

§ 53.08 ASSEMBLY TESTING AND TESTERS.

(A) The Director (or his or her designed representative) shall administer an inspection program to assure that backflow prevention devices are

properly maintained and operated within the town's water system. The Director, in administering the inspection program, shall take into account the complexity and operating characteristics of the assembly and the protection afforded the potable water system by the assembly. Reduced pressure and double-check backflow prevention assemblies installed pursuant to the town's Plumbing Code are subject to inspection and testing by the Town Water Utilities Department.

(B) The Director will inspect and test, or cause to be inspected and tested, all assemblies in each of the following circumstances:

(1) Immediately after installation;

(2) Whenever the assembly is moved;

(3) A minimum of once a year for all assemblies for high hazard uses;

(4) Any premises that has a RP assembly as premises isolation without high hazard point-of-use protection must be tested annually; and

(5) Immediately after repair.

(C) Assemblies may be required to be tested more frequently than specified above, if the Director deems the same necessary, in order to safeguard the public health and safety of the residents of the town, or to protect the town's potable water supply.

(D) All assembly testing shall be performed by a certified and registered backflow prevention assembly tester, in accordance with state-approved test procedures.

(E) It is the responsibility and expense of the property owner and the person in control of the premises to have all assemblies tested in accordance with this chapter. A person who owns, operates or manages premises in which required backflow prevention assemblies are installed shall maintain at their expense such assemblies in proper working order at all times, including repair as required. All

maintenance and repair of assemblies shall be done in accordance with all applicable provisions of this chapter. It shall be the duty of the Director (or his or her designed representative) to see that these tests are made in a timely manner. The user shall notify the Director in advance when the tests are to be undertaken so that the Director or his or her representative may witness the tests, if so desired. These assemblies shall be repaired, overhauled or replaced at the expense of the user when they are found to be defective. The user shall submit the original records of tests, repairs and overhauls to the Director or his or her representative, and these test records shall be kept by the Director for a period of not less than 3 years. The test records shall be in a form acceptable to the Director of Public Works, an example of which is shown in Exhibit C which is attached to Ord. 01-24 and incorporated herein by reference and made a part of this chapter for all purposes. If assemblies that service a particular line, including fire hydrants and the like, require extended repair time, the owner shall notify the Director or the town's Fire Department for those lines serving fire suppression systems.

(F) The user shall maintain backflow prevention assemblies in a manner that allows them to be tested by a method that has been approved by the Director.

(G) A person commits an offense under the provision of this chapter, if the person owns or is in control of any premises and knowingly fails or refuses to have the backflow prevention assemblies installed on the premises inspected, tested, maintained or repaired as ordered, as required by this chapter.

(H) The town shall not be liable for damage to any assembly that occurs during testing, including without limitation, any damage that occurs during testing when the damage results from metal fatigue or deteriorated metal when the damage occurs under standard testing procedures.

(Ord. 01-24, passed 8-2-2001)

§ 53.09 CERTIFICATION OF BACKFLOW PREVENTION ASSEMBLY TESTERS.

(A) All backflow assembly testers operating within the town shall be certified in accordance with all applicable regulations of the Commission and this chapter. No person shall operate as a backflow prevention assembly tester within the town without first being annually registered with the Ponder Water Department.

(B) At the time of registering with the town each person certified as a backflow prevention assembly tester shall furnish evidence to show that he or she is insured and bonded to perform services on private property, and has all licenses currently required by the State of Texas and the Town of Ponder to perform the contemplated services.

(C) Persons certified as backflow prevention assembly testers shall meet the following requirements:

(1) Hold a current backflow prevention assembly tester's certification accepted by the Commission;

(2) Receive confined space entry training certification;

(3) Maintain general commercial liability insurance and automobile liability insurance with the following minimum policy limits: \$250,000 per person and \$500,000 per accident for bodily injury; and \$100,000 per accident for property damage, or \$500,000 if combined; and

(4) Submit a completed application form to the Director.

(D) A person commits an offence if the person knowingly operates as a backflow prevention assembly tester with the town without holding a valid certification and being registered with the Water Department.

(Ord. 01-24, passed 8-2-2001)

§ 53.10 RESPONSIBILITIES OF CERTIFIED TESTERS.

(A) No certified backflow assembly tester shall operate within the Town of Ponder without first registering with the Water Department. The Director (or his or her designated representative) shall determine whether an applicant is eligible for registration.

(B) A registration for certified backflow assembly testing shall remain in effect provided:

(1) The tester maintains eligibility for registration and certification; and

(2) The registration has not been revoked by the Director.

(C) Each applicant for registration as a certified backflow assembly tester shall:

(1) Provide evidence to the Director to establish that the applicant has available the necessary tools and equipment to properly test backflow prevention assemblies;

(2) Provide evidence to the Director that the applicant that successfully completed Permit Confined Space Entry Training as specified by the Federal Occupational Safety and Health Agency in 29 C.F.R. pt. 1910.146; and

(3) Identify all test gauges the applicant will use in testing backflow prevention assemblies. Testers shall not be permitted to use duplex gauges when testing assemblies.

(D) A registered backflow prevention assembly tester shall:

(1) File the serial number of each of his or her test kits with the Director;

(2) Annually have each recorded test kit tested for accuracy and calibrated to maintain a 2% accuracy factor;

(3) Perform competent and accurate certifications of each backflow prevention assembly tested and shall submit complete reports thereof to the Director;

(4) List registered serial numbers of test gauges on tests and maintenance reports prior to submitting them to the Director; and

(5) Shall not change the design or operation characteristics of a backflow prevention assembly.

(E) After 10 days' written notice, the Director may revoke a registration if the Director determines that the tester:

(1) Has made false, incomplete or inaccurate assembly testing reports;

(2) Has used inaccurate gauges;

(3) Has used improper testing procedures;

(4) Has expired insurance;

(5) Is not in compliance with applicable safety regulations;

(6) Has failed to register the serial number of his or her test kits, or failed to calibrate gauges annually as required by this chapter; or

(7) Has violated any other provision of this section.

(F) A person commits an offense if the person knowingly performs services as a backflow prevention assembly tester within the town without obtaining a valid registration issued by the Director (or his or her designated representative).

(Ord. 01-24, passed 8-2-2001)

§ 53.11 FALSIFYING INFORMATION.

Any person who knowingly makes any false statements; representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device required under this chapter, shall upon conviction, be punished as set forth in § 53.99.

(Ord. 01-24, passed 8-2-2001) Penalty, see § 53.99

other expenses of litigation against any person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

(B) Violators of § 53.11 shall be punished by a fine of not more than \$2,000 per violation or as otherwise may be authorized by law.

(Ord. 01-24, passed 8-2-2001)

§ 53.12 ENFORCEMENT.

The Director, the Building Inspector, the Fire Marshal, or their duly designated employees or any other personnel authorized to issue Class C misdemeanor citations are authorized to issue citations for violations of this chapter.

(Ord. 01-24, passed 8-2-2001) Penalty, see § 53.99

§ 53.99 PENALTY.

(A) (1) Unless otherwise specified herein, any person who shall violate any provision of this chapter, or who shall fail to comply with any provision hereof, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not less than \$100 or more than \$2,000 per violation; and each day that the violation continues shall constitute a separate offense, and the violator shall be punished accordingly.

(2) Any person violating any of the provisions of this chapter shall become liable to the town for any and all expense, loss or damage occasioned by the town by reason of the violation.

(3) In addition to the penalties provided herein, this chapter is enforceable by injunction or any other available remedy in any court of competent jurisdiction. The town may recover its reasonable attorneys' fees, court costs, court reporter's fees and