

ORDINANCE NO. 2018- 3

AN ORDINANCE TO PARTIALLY AMEND CHAPTER 50: WATER AND SEWER RATES SUBSECTION 50.02: ADDITIONAL FEES AND CHARGES OF THE CODE OF ORDINANCES OF THE CITY OF PALM VALLEY AND TO PARTIALLY AMEND CHAPTER 51: BACKFLOW/CROSS-CONNECTION CONTROL PROGRAM SUBSECTION 51.04: CUSTOMER SERVICE INSPECTION (CSI); PROVIDING A SAVINGS CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Palm Valley, Texas finds it necessary to provide annual testing and repair/replacement of backflow prevention devices at a reasonable cost to residents and to ensure the safety and quality of its water supply to the residents of Palm Valley, Texas;

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

1. That CHAPTER 50 of the Code of Ordinances: WATER AND SEWER RATES SUBSECTION 50.02: ADDITIONAL FEES AND CHARGES;, is hereby amended to reflect:

(M) Annual Testing of backflow prevention device:

- (1) Annual Test Fee: **\$50.00**
- (2) Non-compliant backflow prevention device fees:
 - (A) Replacement Fee: **\$350.00 - \$500.00**
 - (B) Repair Fee: **\$150.00 - \$350.00**

2. That CHAPTER 51 of the Code of Ordinances, Subsection 4: CUSTOMER SERVICE INSPECTION (CSI), is hereby amended to reflect:

§ 51.04 CUSTOMER SERVICE INSPECTION (CSI).

(A) Initial Inspection - A customer service inspection (CSI) is an inspection of a facility or residence to determine if cross-connections exist or if there is a potential for a backflow situation to occur. A CSI will be performed on all water service connections in order to determine which type of BFPA is needed to eliminate cross-connections or prevent backflow. There will be no "grandfathering" of an existing building or residence. An inspection report will be filled out for all facilities and will be kept on file with the city.

(B) Annual Testing -

- (1) An annual test will be performed by a licensed city employee of all backflow prevention devices installed at a residence to determine if said devices are functioning properly.

(2) FEE - An annual fee for this testing will be charged in accordance with Title V: Public Works, Chapter 50: Water and Sewer Rates, § 50.02 (M)(1) of this Code regardless of whether the backflow protection device(s) passes or fails the annual test.

(C) Non-Compliance - If it is determined during an annual test that a backflow prevention device is non-compliant or non-functioning, then property owner shall cause the replacement of said non-compliant or non-functioning backflow prevention devices within fifteen (15) days from the date that the backflow device is found to be non-compliant or non-functioning. Otherwise, the City may elect to disrupt water service until such time as the backflow prevention device is repaired or replaced. The City may also elect to cause its licensed city employee(s) to repair or replace a non-compliant backflow prevention device on or after the sixteenth day of non-compliance. A fee for the repair or replacement will be charged to the property owner in accordance with Title V: Public Works, Chapter 50: Water and Sewer Rates, § 50.02 (M)(2) of this Code.

SAVINGS CLAUSE. That applicable chapter of the Code of Ordinances, City of Palm Valley, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SEVERABILITY CLAUSE. That 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, paragraph of section of this ordinance shall be declared invalid or unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such as invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any invalid or unconstitutional phrase, clause, sentence, paragraph or section.

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage with billing cycles beginning or on after May 1, 2018.

PASSED, APPROVED AND ADOPTED THIS 20TH DAY OF March, 2018.

City of Palm Valley

By: 

George Rivera, Mayor

Attest:


Sylvia R. Trevino, City Secretary