

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 009-015

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES OF THE TOWN BY AMENDING CHAPTER 82, UTILITIES, TO ADD A NEW SECTION 82-97 REGARDING CROSS-CONNECTION CONTROL OF WATER CONNECTIONS; PROVIDING DEFINITIONS; PROVIDING FOR BACKFLOW PREVENTION ASSEMBLY REQUIREMENTS; PROVIDING PROVISIONS REGARDING FIRE PROTECTION SYSTEMS, FIRE HYDRANT PROTECTION, MOBILE SYSTEMS, PLUMBING CODE, THERMAL EXPANSION, PRESSURE LOSS, COMPLIANCE FOR LANDSCAPE IRRIGATION, RAINWATER HARVESTING, RESIDENTIAL SERVICE CONNECTIONS, INTERCONNECTIONS, MULTIPLE CONNECTIONS, CUSTOMER SERVICE INSPECTIONS, CERTIFICATION OF CUSTOMER SERVICE INSPECTORS, CERTIFICATION OF BACKFLOW PREVENTION ASSEMBLY TESTERS, LICENSED BACKFLOW PREVENTION ASSEMBLY TESTER RESPONSIBILITIES, FEES, TESTING AND MAINTENANCE OF BACKFLOW ASSEMBLIES, INSTALLATION GUIDELINES AND REQUIREMENTS FOR BACKFLOW PREVENTION ASSEMBLIES, RIGHT-OF-WAY ENCROACHMENT BY BACKFLOW PREVENTION ASSEMBLIES, EMERGENCY SUSPENSION OF UTILITY SERVICE, NON-EMERGENCY TERMINATION OF WATER SUPPLY, ACCESS TO PREMISES TO CONDUCT INSPECTIONS, ENFORCEMENT AND PENALTY PROVISIONS; PROVIDING A SAVINGS AND REPEALER CLAUSE (AND REPEALING SECTION 82-94 OF THE CODE OF ORDINANCES REGARDING INSTALLATION OF CHECK VALVES); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY, UPON CONVICTION, FOR ANY VIOLATION, NOT TO EXCEED THE SUM OF TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

**Section 1. Amendment.** The Code of Ordinances of the Town of Addison, Texas (the "City") is hereby amended in the following particulars, and all other chapters, articles, sections, subsections, sentences, phrases and words of the said Code of Ordinances are not amended hereby:

A. Chapter 82, Utilities, of the Code of Ordinances is hereby amended by adding thereto a new Section 82-97 to read as follows:

**Section 82-97. Cross Connection Control.**

(a) *Cross-connection control purpose.* No water connection from any public drinking water supply system shall be connected to any condensing, cooling, or industrial process or any other system of nonpotable usage over which the public water supply system officials do not have sanitary control. The purpose of a cross-connection control program is to promote the public health, safety, and welfare by regulations designed to:

- (1) Protect the public potable water supply of the Town of Addison from the possibility of contamination or pollution by isolating within a customer's internal distribution systems or a customer's private water systems contaminants or pollutants that could backflow into the public water system;
- (2) Promote the elimination or control of existing cross-connections, whether actual or potential, between a customer's in plant potable water system(s) and nonpotable water system(s), plumbing fixtures, and industrial piping system(s);
- (3) Provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the Town's potable water system; and
- (4) Comply with Title 30 Texas Administrative Code (30 TAC) Chapter 290, Subchapter D: Rules and Regulations for Public Water Systems.

(b) *Definitions.* For purposes of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word or term used in this Section is not contained in the following list, its definition, or other technical terms used, shall have the meanings or definitions listed in the most recent edition of the Manual of Cross-Connection Control published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California.

*Air gap* means a physical separation between the free flowing discharge end of a potable water supply piping and/or appurtenance and an open or non-pressure receiving vessel, plumbing fixture or other device. An "approved air-gap separation" shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture or other device in no case less than one inch.

*Approved backflow prevention assembly or backflow assembly or assembly* means an assembly to prevent backpressures or prevent backsiphonage and which is listed as an approved assembly by the University of Southern California (USC) Foundation for Cross-Connection Control and Hydraulic Research or similar rating or standards organization recognized by the Managing Director.

*Approved Fire Sprinkler Contractor* means a person or entity holding a certificate of registration as such issued by the Texas State Fire Marshal's Office.

*Atmospheric vacuum breaker* or *AVB* means a device used to prevent backsiphonage in non-health hazard conditions. This device cannot be tested and cannot prevent backpressure backflow.

*Auxiliary Water Supply* means any water source or system other than the public water system, that may be available in the building or on the property, including ground water or surface waters used for industrial, irrigation or any other purpose.

*Backflow* means a flow in a direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the public water system.

*Backflow Assembly Tester* or *Tester* means a tester who is qualified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service except firelines. Recognized backflow prevention assembly testers shall have completed a TCEQ Executive Director approved course on cross-connection control and backflow prevention assembly testing, pass an examination administered by the TCEQ Executive Director, and hold a current license as a backflow prevention assembly tester.

*Backflow prevention assembly* or *assembly* means an assembly to counteract back pressure or prevent backsiphonage.

*Backpressure* means any elevation of pressure in the downstream piping system (by any means) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow and the introduction of fluids, mixtures or substances from any source other than the intended source.

*Backsiphonage* means the flow of water or other liquids, mixture or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by a sudden reduction of pressure in the potable water supply system.

*Boresight* means providing adequate drainage for backflow prevention assemblies installed in vaults through the use of an unobstructed drain pipe.

*Commercial* means property or location which is used primarily for manufacture, production, storage, wholesaling or retailing of services which is or may be placed in the flow of commerce or any property or location which is used primarily for the provision of any service.

*Contamination* or *contaminated* means the entry into or presence in a public water supply system of any substance which may be harmful to health or to the quality of the water.

*Cross-connection* means any physical arrangement where a potable water supply is connected, directly or indirectly (actually or potentially), to or with any non-potable water system or source, used water system or auxiliary water supply, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers, air conditioner units, fire protection system, or any other assembly which contains, or may contain, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over assemblies, or other temporary or permanent assemblies through which, or because of which, backflow may occur are considered to be cross-connections.

*Cross-connection control device* means any nationally approved or recognized device placed upon any connection, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank receptacle, equipment or device, which is designed to prevent nonpotable, used, unclean, polluted and contaminated water, or other substances, from entering into any part of such potable water system under any condition or set of conditions.

*Customer Service Inspection* means an examination of the private water system for the purpose of providing or denying water service. The inspection is limited to the identification and prevention of cross-connection potential contamination hazards, and illegal lead materials.

*Degree of hazard* means the hazard classification (health or non-health) assigned to an actual or potential cross-connection.

*Double check detector backflow prevention assembly* or *DCDA* means an assembly composed of a line-size approved double check assembly with bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for very low rates of flow.

*Double check assembly* or *double check* means an assembly which consists of two independently operating check valves which are spring-loaded or weighted, a gate valve on each side of the checks, and test cocks to test the checks for tightness.

*Health hazard* means an actual or potential threat of contamination of a physical, chemical, biological or toxic nature to the public water system or a consumer's potable water system that would present a danger to health.

*Inspector* means a person who is recognized by the Town of Addison as a licensed inspector under the provisions of this Ordinance.

*Irrigator* means a person who sells, designs, offers consultations regarding, installs, maintains, alters, repairs, services or supervises the installation of an irrigation system, including the connection of such system to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30 Texas Administrative Code (30 TAC) Chapter 344 Landscape Irrigation.

*Managing Director* means the Town Manager or the Town Manager's designee who is vested with the authority and responsibility for the implementation of an effective Cross-Connection Control Program and for the enforcement of the provisions of this Ordinance.

*Mobile unit* means any operation, which may have the potential to introduce contaminants into a potable water system from a mobile source. These 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.

*Non-health hazard* means an actual or potential threat to the physical properties of the water system or the potability of the public or consumer's potable water system or the consumer's potable water system but which would not constitute a health hazard as defined. Maximum degree of intensity of pollution which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances.

*Non-residential* means water used by any person other than a residential customer of the water supply and include all uses not specifically included in "residential uses" as defined in the Town of Addison Comprehensive Zoning Ordinance.

*Point-of-use* means the appropriate backflow prevention within the consumer's water system at the point at which the actual or potential cross-connection exists.

*Potable water* means any water supply intended or used for human consumption or other domestic use.

*Premises* means any real property to which water is provided, including all improvements, buildings, mobile and other structures located on it.

*Premises containment* means backflow prevention at the service connection between the public water system and the water user.

*Pressure vacuum breaker* or *PVB* means an assembly which 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 which allows the full testing of the assembly.

*Private water system* means any water supply including a well on or available to the premises other than the Town water supply. The private water system refers to the facilities on the owner's side of the meter. These auxiliary waters may include water from another purveyor's public water supply or any natural source such as a well, spring, river, ponds, etc.

*Public water system* or *system* means any public or privately owned water system which supplies water for public domestic use including all service lines, reservoirs, facilities, and any equipment used in the process of producing, treating, storing or conveying water for public consumption.

*Reduced pressure principle assembly* or *RP assembly* or *RP* means an assembly containing two independently acting approved check valves, a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve, and including properly located test cocks and tightly closing shut-off valves at each end of the assembly.

*Reduced pressure principle detector backflow prevention assembly* or *reduced pressure detector* or *RPDA* means an assembly composed of a line-size approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for very low rates of flow.

*Residential* means water used by any residential customer of the water supply and include single family dwellings, duplexes, multiplex, housing and apartments where the individual units are each on a separate meter; or, in cases where two or more units are served by one meter, the units are full-time dwellings.

*Service connection* means the point of delivery at which the public water system connects to the private supply line or lateral of a water user.

*Spill-resistant pressure vacuum breaker* or *SVB* means an assembly containing an independently operating, internally loaded check valve and independently operating, loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with a properly located resilient seated test cock and tightly closing resilient seated shutoff valves attached at each end of the assembly.

*TCEQ* means the Texas Commission on Environmental Quality.

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

*Town* means the Town of Addison, Dallas County, Texas.

*Used water* means water supplied by a public water system to a water user's system after it has passed through the service connection.

*Water Use Survey* means a survey conducted or caused to be conducted by the local authority designed to identify any possible source's of contamination to the potable water supply.

(c) *Backflow prevention assembly requirements.*

(1) The backflow prevention assembly protection which is required under this Section shall be any of the duly nationally recognized and authorized backflow prevention assemblies listed in a State of Texas approved Plumbing Code or as determined by the Town. Each backflow prevention assembly must have been approved by the Town prior to installation. Failure to obtain such approval prior to installation of the backflow prevention assembly may result in the backflow prevention assembly failing to meet the final approval by the Town. The Town shall determine the type and location of backflow assembly to be installed within the area serviced by the Town.

(2) With the approval of the Managing Director, a licensed backflow assembly tester employed by or under contract or with the Town shall determine the type and location of any backflow assembly to be installed within the Town's water service area. The assembly shall be required in each of the following circumstances, but the tester is in no way limited to the following circumstances:

(i) When the nature and extent of any activity at a premises, or the materials or equipment used in connection with any activity at a premises, or materials stored at a premises, could present a health hazard upon entry into the public water system.

(ii) When a premises has one or more cross-connections.

(iii) When internal cross-connections are present that are not correctable.

(iv) When intricate plumbing arrangements are present that make it impractical to ascertain whether cross-connections exist.

(v) When a premises has a repeated history of cross-connections being established or re-established.

(vi) When entry to a premises is restricted so that inspections for cross-connections cannot be made with sufficient thoroughness or frequency to assure that cross-connections do not exist.

(vii) When materials are being used such that, if backflow should occur, a health hazard could result.

(viii) When installation of an approved backflow prevention assembly is determined by an inspector to be necessary to accomplish the purpose of these regulations.

(ix) When an appropriate Customer Service Inspection (CSI) has not been filed with the Managing Director.

(x) On all multi-story buildings or any building with a booster pump or elevated storage tank.

(xi) For any used water return system that has received approval from the Managing Director.

(3) In all new non-residential construction the Managing Director has the authority to require an approved backflow assembly at the service connection. The type of the assembly will correspond to the degree of hazard as determined by the Managing Director. At any residence or establishment where an actual or potential contamination hazard exists and an adequate internal cross-connection control program is in effect, backflow protection at the water service entrance or meter may be required.

(4) When a building is constructed on commercial premises, and the end use of such building is not determined or could change, a reduced pressure principle backflow prevention assembly shall be installed at the service connection to provide protection of the public water supply in the event of the most hazardous use of the building. The use of a backflow prevention assembly at the service connection shall be considered as additional backflow protection and shall not negate the use of backflow protection on internal hazards as outlined and enforced by local plumbing codes.

(5) If a point-of-use assembly has not been tested or repaired as required by this Section, the installation of a reduced pressure principle assembly will be required at the service connection.

(6) If an inspector determines that additions or rearrangements have been made to the plumbing system of a premises without the proper permits as required by the Plumbing Code, premises containment shall be required.



(7) Retrofitting shall be required on all point-of-use health hazard connections and wherever else the Managing Director determines that retrofitting is necessary due to circumstances that indicate that cross-connection is likely to occur unless a back-flow prevention assembly is installed.

(8) All backflow prevention assemblies installed after the effective date of the Town ordinance which adopted this Section shall be installed in a manner designed to facilitate ease of inspection by the Town. Any currently installed backflow prevention assemblies which, are located in inaccessible locations, or where the tester is subject to physical danger, shall be relocated to approved locations following installation guidelines of this Section.

(9) An approved double detector check valve assembly shall be the minimum protection on all new fire sprinkler systems. An RP assembly shall be installed if any solution other than potable water can be introduced into the sprinkler system. Retrofitting shall be required on all health hazard systems, where improper maintenance has occurred, and wherever an inspector determines that such measures are necessary under the conditions found by the inspector.

(d) *Fire protection systems.* All new and existing fire protection systems which utilize the Town's potable water supply shall have installed an approved backflow prevention device according to the degree of hazard.

An approved double check detector backflow prevention assembly (DCDA) or reduced pressure detector assemblies (RPDA) shall be the minimum protection for the fire sprinkler systems. A (RPDA) must be installed if any solution other than potable water can be introduced into the sprinkler system.

(1) It is the responsibility of all property owners and persons in charge of any premises to abide by the conditions of this Section. In the event of any changes to the plumbing system, it is the responsibility of the property owners to notify the Town. In the event changes to the plumbing system are not reported to the Town, the Town is not responsible for any damages incurred. All costs associated with this Section and the purchase, installation, testing and repair of a (DCDA) or (RPDA) device is the responsibility of the property owner and persons in charge of any premises.

(2) Backflow prevention assembly testers may test and repair assemblies on firelines only if they are permanently employed by an Approved Fire Sprinkler Contractor. The State of Texas Fire Marshal's Office requires that any person performing maintenance on firelines must be employed by an Approved Fire Sprinkler Contractor.

(3) A Town test report must be completed by a recognized backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the Managing Director for record keeping purposes.

(4) Retrofitting shall be required when the water supply in a certain area has been contaminated and the fire protection system has contributed to the contamination and when an authority having jurisdiction to protect the potable water supply mandates a fail-safe system.

(e) *Fire hydrant protection.* A double check shall be the minimum protection for fire hydrant water meters which are being used for a temporary water supply during any construction or other uses which would pose a potential hazard to the public water supply.

(1) It is the responsibility of all persons engaging in the use and rental of a fire hydrant water meter to abide by the conditions of this Section. All fire hydrant water meter rentals shall meet the current requirements as provided for by the Town.

(2) Only Town fire hydrant water meters with approved backflow prevention assemblies are allowed to be used within the Town limits.

(3) A refundable deposit (see subsection (s) of this Section) is required to insure the return of all water meters and backflow assemblies to the Town. Failure to return the assemblies can result in the forfeiture of deposit and enforcement action being taken against the responsible party, as allowed for in the enforcement section in this Ordinance.

(4) All non-approved fire hydrant meters which are found to be in use in the Town will be removed by the Town and enforcement action taken against the responsible party.

(5) It is the responsibility of all persons engaging in the use and rental of a fire hydrant water meter to ensure that the device is returned for annual testing as required by subsection 82-97(s) of this Section.

(6) A Town test report must be completed by a recognized backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the Managing Director for record keeping purposes.

(7) Failure to submit an annual test report may result in enforcement action being taken against the responsible party, as allowed for in the enforcement subsection of this Section.

(f) *Mobile units.* The connection of a mobile unit to any potable water system is prohibited unless such connection is protected by an air gap or an approved backflow prevention assembly. Prior approval and annual device testing of any backflow prevention assembly must be received from the Town before connecting to any potable water system.

(g) *Plumbing code.* As a condition of water service, a customer shall install, maintain, and operate the customer's piping and plumbing systems in accordance with the plumbing code provisions adopted by the Town of Addison (the "Plumbing Code"). In the event of a conflict between this Section and the Plumbing Code, the more restrictive provision shall apply.

(h) *Thermal expansion.* It shall be the responsibility of the premises owner to eliminate the possibility of thermal expansion, if a closed system has been created by the installation of a backflow assembly.

(i) *Pressure loss.* Any water pressure drop caused by the installation of a backflow assembly shall be the responsibility of the premises owner and not the Town.

(j) *Compliance for landscape irrigation.*

(1) A permit from the Town is required for all landscape irrigation system installations. Such permit shall be issued by the Town's Building Inspection Department. Installation requirements must comply with the current Town Plumbing Code or guidelines for appropriate device found in this Section.

(2) Any irrigation system that is connected to a public or private potable water supply must be connected through a TCEQ approved backflow prevention method. The backflow prevention device must be approved by the American Society of Sanitary Engineers; or the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California; or the Uniform Plumbing Code; or any other laboratory that has equivalent capabilities for both the laboratory and field evaluation of backflow prevention assemblies. The backflow prevention device must be installed in accordance with the laboratory approval standards or if the approval does not include specific installation information, the manufacturer's current published recommendations.

(3) Backflow prevention devices used in applications designated as health hazards must be tested upon installation and annually thereafter. Before any chemical is added to an irrigation system connected to any potable water supply, the irrigation system must be connected through a reduced pressure principle backflow prevention assembly or air gap.

(4) Connection of more than one water source to an irrigation system presents the potential for contamination of the potable water supply if backflow occurs. Therefore, connection of any additional water source to an irrigation system that is connected to the potable water supply may only be done if the irrigation system is connected to the potable water supply through a reduced pressure principle backflow prevention assembly or an air gap.

(5) If an irrigation system is connected to a potable water supply and requires major maintenance, alteration, repair, or service, the system shall be connected to the potable water supply through an approved, properly installed backflow prevention method as defined in this Section before any major maintenance, alteration, repair, or service is performed.

(6) An irrigator shall ensure the backflow prevention device is tested prior to being placed in service and the test results provided to the Managing Director and the irrigation system's owner or owner's representative within ten (10) business days following testing of the backflow prevention device.

(k) *Rainwater harvesting.* An approved backflow prevention assembly must be installed to prevent nonpotable water from entering the potable system. All piping that contains nonpotable water must be labeled "UNTREATED RAINWATER – DO NOT DRINK" and an air gap or reduced pressure principle backflow assembly be installed to protect the water system.

(l) *Residential service connections.* A residential premise that has been determined to have an actual or potential cross-connection shall be equipped with an approved backflow prevention assembly installed in accordance with this Section. This device can be required to be installed either at the customer meter or at the point of use at the expense of the owner/occupant and shall conform to the device testing requirements as provided in this Section.

(m) *Interconnections.* No physical connection between the distribution system of a public drinking water supply and that of any other water supply shall be permitted unless the other water supply is of a safe, sanitary quality and the interconnection is approved by the Managing Director.

(n) *Multiple connections.* Any premises requiring multiple service connections for adequacy of supply and/or fire protection shall have a backflow assembly on each service connection. The assembly shall be commensurate with the degree of potential hazard that could occur in the event of an interconnect between any of the buildings on the premises.

(o) *Customer service inspection.* A Customer Service Inspection (CSI) is an examination of the private water system for the purpose of providing or denying water service.

Permanent water service to a new facility shall not be granted until the requirements of the Customer Service Inspection (CSI) have been met.

Before the Town provides continuous or permanent water service to a premise, a Customer Service Inspection for cross-connection control shall be completed and, pursuant to 30 Texas Administrative Code Rule §290.46(j) (and as the same may be amended or superseded). A customer service inspection certification form shall be completed and filed with the Managing Director under each of the following circumstances:

- (1) New construction.
- (2) Material improvement, correction, or addition to the private water system (defined as plumbing work that requires a permit and involves a major modification to the private water system). The *private water* system refers to the facilities on the owner's side of the meter.
- (3) When the water Managing Director believes that a cross-connection or other potential contamination hazards exist. In such a case, the Managing Director shall notify the customer to provide justification for requiring an inspection by specifically identifying the threat that is believed to exist prior to discontinuation of water service.

(p) *Certification of customer service inspectors.* A person who performs Customer Service Inspections or who prepares Customer Service Inspection certification forms shall be registered as a licensed customer service inspector with the Town and shall meet all the requirements of 30 Texas Administrative Code Rule §290.46(j)(1) (and as the same may be amended or superseded) for accreditation as a customer service inspector. The Town's Building Inspection Department conducts all Customer Service Inspections for the Town, but the Town may outsource these inspections.

In order to perform the Customer Service Inspections, the Town of Addison may:

- (1) Provide a list of certified inspectors to the customer. The customer then selects and hires an inspector;
  - (2) Provide qualified employees to perform the inspections at a cost to the customer in order to validate the inspection; or
  - (3) Hire independent, qualified contractors to perform the inspections.
- (q) *Certification of backflow prevention assembly testers.*
- (1) All backflow assembly testers operating within the Town shall be licensed in accordance with all applicable regulations of the TCEQ. No person shall operate as a backflow prevention assembly tester within the Town without being annually registered with the Managing Director of the Town.

(2) Persons licensed as backflow prevention assembly testers shall meet all TCEQ training requirements and maintain TCEQ approved certification as a backflow prevention assembly tester (per 30 TAC Chapter 30, Subchapter A: Administration of Occupational Licenses and Registrations).

(r) *Licensed backflow prevention assembly tester responsibilities.* Only approved TCEQ licensed backflow prevention assembly testers can test backflow prevention assemblies in the Town.

(1) An annual licensed backflow assembly tester registration shall remain in effect so long as the tester maintains eligibility for registration and certification as provided in this Section, including continued certification by the TCEQ and timely payment of the annual registration fee.

(2) Upon recertifying, a tester shall renew the tester's registration with the Managing Director.

(3) An applicant for registration shall:

(i) Demonstrate to the Managing Director that the applicant has available the necessary tools and equipment to properly test backflow prevention assemblies;

(ii) Provide evidence to the Managing Director that the applicant has successfully completed "Permit Confined-Space Entry Training" as specified by the United States Occupational Safety and Health Administration (and as set forth in 29 Code of Federal Regulations Part 1910.146 (and as the same may be amended or superseded));

(iii) Identify all test gauges the applicant will use in testing backflow prevention assemblies. Gauges used in the testing of backflow prevention assemblies shall be tested for accuracy annually in accordance with the University of Southern California's Manual of Cross-Connection Control or the American Water Works Association Recommended Practice for Backflow Prevention and Cross-connection Control (Manual M14). The Town shall require testers to include test gauge serial numbers on "Test and Maintenance" report forms and ensure testers have gauges tested for accuracy; and

(iv) Testers must register annually with the Town, provide proof of TCEQ licensing, and pay an annual, non-refundable tester registration fee. (see subsection (s) of this Section).

(4) A registered backflow prevention assembly tester shall:

(i) File the serial number of each of the tester's test kits with the Managing Director;

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

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

(iv) Complete a Town test report for each assembly tested. The signed and dated original must be submitted to the Managing Director for record keeping purposes; and

(v) List registered serial numbers of test gauges on tests and maintenance reports prior to submitting the reports to the Managing Director.

(5) A registered backflow prevention assembly tester shall not change the design or operating characteristics of a backflow prevention assembly.

(6) After notice and hearing, the Managing Director may revoke a registration if the Managing Director determines that the tester:

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

(ii) Has used inaccurate gauges;

(iii) Has used improper testing procedures;

(iv) Is not in compliance with safety regulations;

(v) Has failed to register the serial numbers of the tester's test kits or has failed to calibrate gauges annually;

(vi) Has violated any other provision of this Section; or

(vii) At the discretion of the Managing Director and upon notice that inappropriate testing activities have taken place.

(s) *Fees.*

(1) There shall be a testing fee for each separate backflow assembly on which a test is performed by the Town. This fee applies to but is not limited to all newly installed backflow devices, which the Town may choose to randomly test. If upon inspection or testing of a newly installed backflow prevention assembly, it is deemed not to be working properly, it is the responsibility of the property owners or persons in charge of any premises to make necessary repairs. A retest fee will be assessed for each retest.

(2) The following fees shall be applicable in connection with this Section:

(i) *Town of Addison Testing Fee*

The fee for a backflow prevention assembly test is two hundred dollars (\$200.00) for each separate test.

The fee for a backflow prevention assembly retest is one hundred dollars (\$100.00) for each retest performed.

(ii) *Licensed Backflow Prevention Assembly Tester Registration Fee*

Annual registration fee for approved testers shall be a non-refundable fee of seventy-five dollars (\$75.00).

(iii) *Testing Form Booklet Fees.*

The fee for a testing form booklet of thirty test forms shall be twenty-five dollars (\$25.00) each.

(iv) *Deposit Fee for Fire Hydrant Water Meter With Backflow Prevention Device.*

There shall be a refundable rental deposit fee for fire hydrant water meters with backflow prevention devices of one thousand two hundred dollars (\$1,200.00). The deposit will be refunded when the meter is returned and damage has been assessed.

(v) *Private Contractors Testing Fees.*

There shall be no additional charges by the Town for testing conducted by private contractors.

(t) *Testing of assemblies.*

(1) All required backflow assemblies shall be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester.

(2) All health hazard backflow prevention assemblies shall be inspected and tested or caused to be inspected and tested by the Town in each of the following circumstances:

(i) immediately after installation;



(ii) a minimum of once a year or as required by the Managing Director;

(iii) immediately after repair;

(iv) premises that have been vacated and unoccupied for one year, prior to re-occupancy;

(v) whenever the assembly is moved.

(3) All assembly testing shall be performed by a state licensed backflow prevention assembly tester, approved by the Town.

(4) Duly authorized employees of the Town bearing proper credentials and identification are entitled, in accordance with law, to enter any public or private property for the purpose of enforcing this Section. Subject to applicable law, persons and occupants of the property which are provided water service by the Town, either directly or indirectly, shall allow the Town or its representatives ready access at all reasonable times to all parts of the property for the purpose of inspection, testing, records examination, or in the performance of their duties. When persons or occupants of the property have security measures in force which would require proper identification and clearance before entry into the property, the persons and occupants of the property shall make necessary arrangements with their security personnel so that upon presentation of suitable identification, personnel from the Town will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(5) The Town shall not be liable for damage to an assembly that occurs during testing.

(6) A water use survey may be conducted at any establishment located in the Town which is served by a public water supply or which provides water to the public. Upon determination that the establishment falls under the provisions of this Section and requires a backflow prevention assembly, a notice to abate the condition or to install the proper backflow prevention assembly shall be issued.

(7) It is the responsibility of the person who owns or controls property to have all assemblies tested in accordance with this Section. Assemblies may be required to be tested more frequently if the Town deems necessary.

(8) All results from assembly testing by a licensed backflow prevention assembly tester shall be placed on a form designated by the Town. Testing forms may be obtained from the Town of Addison by the tester upon payment of the established fee as set forth in see subsection (s) of this Section.

(u) *Maintenance of assemblies.* A person who owns, operates, or manages a premises in which a required backflow prevention assembly is installed shall maintain such assemblies in proper working order at all times, including such repairs as may be necessary to keep the assembly in proper working order. The maintenance and repair of all assemblies shall be done in accordance with the applicable regulations of the TCEQ and this Section. A backflow prevention assembly shall be maintained in a manner that allows the assembly to be tested by a method that has been approved by TCEQ.

(v) *Installation guidelines and requirements for backflow prevention assemblies.* A backflow prevention assembly shall be installed in accordance with the following requirements in order to ensure the proper operation of and accessibility to the assembly:

(1) General – to ensure proper operation and accessibility of all backflow prevention assemblies, the following national guideline requirements shall apply to the installation of these assemblies.

(i) A backflow prevention assembly shall be installed in accordance with the current TCEQ rules and this Section. The assembly installer shall obtain the required plumbing permits prior to installation and shall have the assembly inspected by the Town.

(ii) At facilities which require a backflow prevention assembly to be installed at the point of delivery of the water supply, such installation of the assembly must be before any branch in the line, and on private property located just inside the boundary between the Town's right-of-way and the landowner's property. The Managing Director may authorize other areas for installation of the assembly. Assemblies that must be installed or are located on Town rights-of-way are the responsibility of the business or entity that the water line is serving.

(iii) The assembly shall be protected from freezing and other severe weather conditions.

(iv) All backflow prevention assemblies shall be of a type and model approved by the Managing Director.

(v) All vertical installations of backflow prevention assemblies shall be approved in writing by the Managing Director prior to installation.

(vi) All assemblies installed more than four (4) feet above floor level must have a suitable platform for use by testing or maintenance personnel.

(vii) Upon completion of the installation, the Town shall be notified and all assemblies must be inspected and tested. The premises owner shall register all backflow assemblies with the Managing Director by providing the date of installation, the manufacturer, model and serial number of the backflow prevention assembly, and the initial test report for the assembly.

(viii) The premises owner assumes all responsibility for any damages resulting from installation, operation, and maintenance of a backflow assembly. The owner shall also ensure that any vault in which a backflow prevention assembly is contained is kept free of silt and debris that may interfere with the proper operation, inspection or testing of the assembly.

(ix) Lines shall be thoroughly flushed prior to installation. A strainer with blowout tapping may be required ahead of the assembly.

(x) Bypass lines are prohibited. Pipefittings which could be used for connecting a bypass line are not allowed.

(xi) Premises where an uninterrupted water supply is critical should be provided with two assemblies installed in parallel. They should be sized in such a manner that either assembly will provide the maximum flow required.

(xii) All facilities that require continuous, uninterrupted water service and are required to have a backflow assembly must make provisions for the parallel installation of assemblies of the same type so that testing, repair and maintenance can be performed.

(xiii) All backflow prevention assemblies must be tested in accordance with this Ordinance. Tests are the responsibility of the assembly owner. The owner must notify the Town of Addison upon installation of any backflow prevention assembly.

(2) Reduced pressure principle backflow prevention assemblies - RPs may be utilized at any premises where a substance is handled that could be hazardous to the public health if introduced into the potable water system. The RP is normally used in locations where an air gap is impractical. The RP shall be effective against both backsiphonage and backpressure.

(i) RPs must be sized to provide an adequate supply of water and pressure for the premises being served.

(ii) No part of a reduced pressure principle backflow prevention assembly shall be submerged in water or installed in a location subject to flooding.

(iii) RPs are typically installed above grade in well drained areas, but may be installed below grade (ground level) if a boresight drain to daylight is provided. The drain shall be of adequate capacity to carry the full rated flow of the assembly and shall be screened on both ends.

(iv) The assembly must be readily accessible for testing and maintenance and shall be located in an area where water damage to buildings or furnishings will not occur from relief valve discharge. The property owner assumes all responsibility for any damage caused by water discharge from an RP assembly. An approved air gap shall be located at the relief valve orifice of RP assemblies. The air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain and in no case less than one (1) inch.

(v) All RP assemblies larger than two (2) inches shall have a minimum of twelve (12) inches clearance on the back side, twenty-four (24) inches clearance on the test cock side, and the relief valve opening shall be at least twelve (12) inches plus nominal size of assembly above the floor or highest possible water level. Headroom of six (6) feet is required in vaults without a fully removable top. A minimum access opening of twenty-four (24) inches square is required on all vault lids. All RP assemblies two (2) inches and smaller shall have at least a six (6) inch clearance on all sides.

(vi) Enclosures shall be designed for ready access and sized to allow for the minimum clearances established above. Removable protective enclosures are typically installed on the smaller assemblies. Daylight drain ports must be provided to accommodate full pressure discharge from the assembly.

(vii) All RPs must be tested in accordance with this Section. Tests are the responsibility of the assembly owner. The owner must notify the Town upon installation of any backflow prevention assembly.

(viii) Variances from these specifications will be evaluated on a case-by-case basis. No deviations from this section shall be permitted without prior written approval of the Managing Director.

(3) Reduced pressure principle detector backflow prevention assemblies – RPDAs may be utilized in all installations requiring a reduced pressure principle backflow prevention assembly and detector metering.

(i) RPDAs shall comply with the installation requirements applicable for reduced pressure principle backflow assemblies (RP).

(ii) The line-size RP assembly and the bypass RP assembly must each be tested. A separate test report for each assembly must be completed by the certified tester.

(4) Double check valve backflow prevention assemblies – DC's may be utilized at premises where a substance is handled that would be objectionable but not hazardous to health if introduced into the potable water system.

(i) DCs must be sized to provide an adequate supply of water and pressure for the premises being served.

(ii) If a double check valve assembly is installed in a vault, brass plugs shall be maintained in the test ports at all times and adequate drainage shall be provided.

(iii) On premises where non-interruption of water supply is critical two assemblies of the same type installed in parallel shall be provided. The assemblies shall be sized in such a manner that either assembly will provide the minimum water requirements while the two together will provide the maximum flow required.

(iv) Bypass lines are prohibited. Pipe fittings that could be used for connecting a bypass line shall not be installed.

(v) The assembly shall be readily accessible with adequate room for testing and maintenance. DCs may be installed below grade provided all test cocks are fitted with brass pipe plugs. All vaults containing a DC shall be well drained, constructed of suitable materials, and sized to allow for the minimum clearances established below.

(vi) DC assemblies two (2) inches and smaller shall have at least a three (3) - inch clearance below and on both sides of the assembly, and if located in a vault, the bottom of the assembly shall be not more than twenty-four (24) inches below grade. All DC assemblies larger than two (2) inches shall have a minimum clearance of twelve (12) inches on the back side, twenty-four (24) inches on the test cock side, and twelve (12) inches below the assembly. Headroom of six (6) feet is required in vaults without a fully removable top. A minimum access opening of twenty-four (24) inches square is required on all vault lids.

(vii) Vertical installations are allowed on sizes up to and including four (4) inches that meet the following requirements:

(A) The DC assembly shall contain internally spring-loaded check valves;

(B) flow is upward through assembly;

(C) the assembly manufacturer specifies that the assembly can be used in a vertical position; and

(D) the Managing Director authorizes the vertical installation of the DC assembly.

(viii) All DCs must be tested in accordance with this Section. Tests are the responsibility of the assembly owner. The owner must notify the Town upon installation of any backflow prevention assembly.

(ix) Variances from these specifications will be evaluated on a case-by-case basis. No deviations shall be permitted without prior written approval of the Managing Director.

(5) Double detector check valve assembly – DCDA's may be utilized in any installation that requires a double check valve assembly and detector metering.

(i) DCDA's shall comply with the installation requirements applicable for double check valve assemblies (DCs).

(ii) The line-size DC assembly and the bypass DC assembly must each be tested. A separate test report for each assembly must be completed by the licensed tester.

(6) Pressure vacuum breaker assembly – PVBs may be utilized at point-of-use protection only and only if a substance is handled at the premises where the assembly is installed that could be objectionable but not hazardous to health if the substance introduced into the potable water system. PVBs protect against backsiphonage only and shall not be installed where there is potential for backpressure.

(i) The assembly shall be installed a minimum of twelve (12) inches above the highest use outlet or overflow level downstream from the assembly.

(ii) A PVB shall not be installed in an area subject to flooding or where damage could occur from water discharge.

(iii) The assembly shall be readily accessible for testing and maintenance, with a minimum clearance of twelve (12) inches all around the assembly. PVBs shall be located between twelve (12) inches and sixty (60) inches above ground level.

(iv) All PVBs must be tested in accordance with this Ordinance. Tests are the responsibility of the assembly owner. The owner must notify the Town upon installation of any backflow prevention assembly.

(v) Variances from these specifications will be evaluated on a case-by-case basis. No deviations shall be permitted without prior written approval of the Managing Director.

(7) Atmospheric vacuum breaker – AVBs provide minimal protection and are approved for very non-health hazard application only. AVBs protect against backsiphonage only and are prohibited where there is potential for backpressure.

(i) The AVB assembly shall be installed a minimum of six (6) inches above the highest use outlet or overflow level downstream from the assembly.

(ii) Shutoff valves downstream from the assembly are prohibited.

(iii) An AVB shall not be used on any application where there is more than twelve (12) hours per day continuous use.

(iv) An AVB shall not be installed in an area subject to flooding or where damage may occur from water discharge.

(v) AVBs shall be allowed for point-of-use protection only, in accordance with the Plumbing Code.

(8) Air gap separation – an air gap separation provides maximum protection from backflow hazards and should be utilized at all locations where “high” hazardous substances are at risk of entering the potable water system when applicable.

(i) An air gap separation shall be at least twice the diameter of the supply pipeline measured vertically above the top rim of the receiving vessel and in no case less than one (1) inch. If splashing may occur, tubular screens may be attached or the supply line may be cut at a 45° angle. The air gap distance shall be measured from the bottom of the angle. Hoses shall not be allowed.

(ii) Air gap separations shall not be altered in any way without prior approval from the Managing Director and must be available for inspection at all reasonable times.

(iii) The effective opening shall be the minimum cross-sectional area at the seat of the control valve or the supply pipe or tubing which feeds the assembly or outlet. If two or more lines supply one outlet, the effective opening shall be the sum of the cross-connectional areas of the individual supply lines or the area of the single outlet, which is smaller.

(9) Spill-resistant pressure vacuum breaker – may be utilized in all installations requiring a pressure vacuum breaker.

(i) SVBs shall comply with the installation requirements for pressure vacuum breaker backflow prevention assemblies.

(w) *Right-of-way encroachment.*

(1) No person shall install or maintain a backflow prevention assembly upon or within any Town right-of-way except as allowed by this subsection of this Section.

(2) The Managing Director, with the concurrence of the Director of Public Works, may grant in writing a license (in form and content as determined by the Town) to install a backflow prevention assembly required by this Section upon or within a Town right-of-way only if the owner proves to the Town that there is no other feasible location for installing the assembly, and that installing it in the right-of-way will not interfere with traffic, utilities or any other public use of the right-of-way (and obtains a permit from the Town). The Town has the right to approve the location, height, depth, enclosure and other requisites of the assembly prior to its installation.

(3) All permits and inspections required by the Town's Code of Ordinance to perform work in the right-of-way shall be obtained.

(4) The assembly shall be installed below or flush with the surrounding grade except when it is not practical to install it in this manner. Any backflow prevention assembly or portion of an assembly which extends aboveground shall be located no closer than eighteen (18) inches to the face of the curb.

(5) The owner of a backflow prevention assembly that has been installed upon or within a Town right-of-way as provided by this section shall, at the request of the Town and at the owner's sole expense, immediately relocate the assembly when such relocation is deemed necessary or appropriate by the Town.

(6) The Town shall not be liable for any damage done to or caused by an assembly installed in the Town right-of-way.

(7) A person commits an offense if the person fails to relocate a backflow prevention assembly located in or upon any Town right-of-way after receiving a written notice from the Managing Director.

(x) *Emergency suspension of utility service.*

(1) The customer to whom water service is provided at a premises within the Town shall be responsible for the installation, testing, maintenance and repair of all backflow prevention assemblies serving that customer. The Managing Director may, without prior notice, suspend water service to any premises when such suspension is necessary to prevent or stop an actual or threatened backflow which:

(i) presents or may present imminent and substantial danger to the environment or to the health or welfare of any person; or



(ii) presents or may present imminent and substantial danger to the Town's public water supply.

(2) As soon as is practicable after the suspension of service, the Managing Director shall notify the customer of the suspension in person or by certified mail, return receipt requested, and shall order such person to correct the cross-connection that allowed the backflow to occur.

(3) The Managing Director shall not reinstate suspended water service until:

(i) The customer presents proof, satisfactory to the Managing Director, that the cross-connection has been eliminated and its cause determined and corrected;

(ii) The customer pays the Town for all costs the Town incurred in responding to the backflow or threatened backflow; and

(iii) The customer pays the Town for all costs the Town will incur in reinstating service.

(4) Failure on the part of a customer to discontinue the use of a cross-connection and to physically separate a cross-connection is sufficient cause for the immediate discontinuance of public water service to the premises.

(5) A customer whose service has been suspended may appeal such suspension to the Managing Director, in writing, within ten working days of notice of the suspension.

(6) A person commits an offense if the person, without the prior written approval of the Managing Director, reinstates water service to a premises for which water service has been suspended pursuant to this section.

(y) *Non-emergency termination of water supply.*

(1) The Managing Director may terminate, after written notice and opportunity for a hearing, the water service of any customer who:

(i) Fails or refuses to install a reduced pressure principle assembly when required by this Ordinance;

(ii) Fails or refuses to install and maintain backflow prevention assemblies in compliance with this Ordinance; or

(iii) Fails or refuses to install, maintain, and operate the customer's piping and plumbing systems in accordance with the Plumbing Code.

(2) The Managing Director shall notify the customer of the proposed termination of water service at least ten working (business) days before the proposed termination. The customer may request a hearing on the proposed termination by filing a written request for a hearing with the Managing Director not more than ten calendar days after receipt of notice of the proposed termination.

(3) If water service is terminated, the Managing Director shall not reinstate water service until:

(i) The customer presents proof, satisfactory to the Managing Director, that the backflow condition has been eliminated and its cause determined and corrected; and

(ii) The person customer pays the Town for all costs the Town will incur in reinstating service.

(z) *Access to premises.*

(1) A commercial water service customer may, in lieu of the mandatory installation of a backflow prevention assembly, provide the Town access during reasonable business hours to the customer's premises for the purpose of determining compliance with the provisions of this Section. Such access shall be unobstructed and safely accessible.

(2) A commercial water service customer who fails or refuses to provide the optional access shall install and maintain a reduced pressure principle assembly at the water service connection to the premises.

(aa) *Enforcement.*

(1) This Section shall be enforced by the Managing Director or the manager's designated representatives or employees.

(2) The Town may inspect and initially test, or cause to be tested, all backflow prevention assemblies installed pursuant to the requirements of this Section. For new facilities, permanent water service shall not be provided until all backflow prevention assemblies have been tested and are operational. Except in cases where the testing of backflow prevention assemblies must be delayed until the installation of internal production or auxiliary equipment, the Town shall not approve a certificate of occupancy until all backflow prevention assemblies have been tested and are operational and all assembly test reports have been turned in to the Managing Director. The Town shall not be liable for damage caused to any backflow prevention assembly as a result of the inspection or testing.

(3) Violations.

(i) A person commits an offense if there is failure to maintain backflow prevention assemblies in compliance with this Section.

(ii) A person commits an offense if there is failure to comply with a repair order issued by the Town.

(iii) A person commits an offense if backflow from premises owned, operated or managed by the person enters the public water supply system.

(iv) A person commits an offense if there is a failure to pay any fees required by this Section.

(v) A person commits an offense by violating any section of this Ordinance.

(vi) A person commits an offense if discontinued or disconnected water service to premises under this Section is reinstated except as directed by the Town.

(vii) A person in charge of any facility commits an offense by allowing an unregistered tester to perform testing work at their establishment.

(viii) A person commits an offense by testing backflow prevention assembly within the Town without being registered with the Town.

(ix) A person commits an offense by testing backflow prevention assembly within the Town without being licensed by the TCEQ.

(x) A person commits an offense by using non-approved fire hydrant meters.

(xi) A person commits an offense by testing Fireline backflow devices without the proper license as provided in the Texas Insurance Code, Chapter 6003 and in the Texas Administrative Code, 28 TAC Chapter 34, Subchapter G.

(4) Penalties.

(i) A person who violates any provision of this Section is guilty of a misdemeanor and shall be fined, upon conviction, as set forth in Section 1-7 of the Town's Code of Ordinances., for each act of violation and for each day or part of a day during which the violation is committed, continued or permitted.

(ii) In addition to proceeding under the authority of this subsection, the Town is entitled to pursue all other criminal charges and civil rights and remedies to which it is or may be entitled under authority of any law, statute, constitution, or of any other ordinances of the Town, against a person committing any violation of this Section, including, without limitation, injunction and civil penalties.

(5) A licensed tester's registration may be reviewed and revoked by the Town if it is determined that the tester:

- (i) Has falsely, incompletely, or inaccurately reported assembly reports;
- (ii) Has used inaccurate gauges;
- (iii) Has used improper testing procedures; or
- (iv) Has created a threat to public health or the environment.

**Section 2. Savings; Repealer.** This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance (and without limiting the foregoing, Section 82-94 of the Code of Ordinances of the Town is hereby repealed). Provided, however, that the repeal of such ordinances or parts of such ordinances shall not affect any right, property or claim which was or is vested in the Town of Addison, Texas, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes effect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Notwithstanding the foregoing, Section 18-368.1 (Inspection and testing of backflow prevention assemblies) of the Code of Ordinances of the Town shall be and remain in full force and effect save and except as amended by this Ordinance.

**Section 3. Severability.** The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

**Section 4. Penalty.** It shall be unlawful for any person, firm, corporation, or other business entity to violate any provision of this Ordinance, and any person, firm, corporation, or other business entity violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation or failure occurs or continues. In addition to and cumulative of all other penalties, the Town of Addison shall have the right to seek injunctive relief (and any other available actions or relief) for any and all violations of this Ordinance.

**Section 5. Effective Date.** This Ordinance shall become effective from and after its passage and approval and its publication as may be required by law (including, without limitation, the City Charter, and the ordinances of the City).

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this 28th day of April, 2009.

  
\_\_\_\_\_  
Joe Chow, Mayor

ATTEST:

By:   
\_\_\_\_\_

Lea Dunn, City Secretary

APPROVED AS TO FORM:

By:   
\_\_\_\_\_

John Hill, City Attorney