

AN ORDINANCE OF THE CITY OF NEWCASTLE, TEXAS ADOPTING THE TEXAS PLUMBING CODE AS SET FORTH IN THIS ORDINANCE; ADOPTING A REPELLER CLAUSE, ADOPTING A SAVINGS CLAUSE, AND ADOPTING A PENALTY CLAUSE PROVIDING THAT ANY PERSON VIOLATING THE PROVISIONS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND, UPON CONVICTION IN A MUNICIPAL COURT OF THE COUNTY OF YOUNG, TEXAS, OR ANY OTHER COURT OF PROPER JURISDICTION, SHALL BE SUBJECT TO A FINE SET BY THE NEWCASTLE CITY COUNCIL NOT TO EXCEED THE SUM OF THREE HUNDRED DOLLARS ( \$300.00) FOR EACH OFFENCE, EXCEPT HOWEVER, WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENCE THE PENALTY SHALL BE THAT FIXED BY THE STATE LAW, AND FOR ANY OFFENCE THAT GOVERNS PUBLIC HEALTH AND SANATION.

BE IT ORDAINED BY THE CITY OF NEWCASTLE:

SECTION 1.0 ADOPTION OF THE TEXAS PLUMBING CODES.

The city of Newcastle, Texas hereby adopts the Texas Plumbing Code.

SECTION 2.0 AMENDMENT TO THE TEXAS PLUMBING CODE.

The Texas Plumbing Code adopted by this Ordinance is amended to include and to require the following:

"Cross-Connection Control Program"

A. General.

1. No water service connection shall be made to any establishment where a potential or actual contamination hazard exists unless the water supply is protected in accordance with the Texas Commission on Environmental Quality (TCEQ) Rules and Regulations for Public Water Systems and the provisions contained in this Ordinance. The water purveyor shall discontinue water service if a required backflow prevention assembly is not installed, maintained, and tested in accordance with the TCEQ Rules and this Ordinance.

B. Backflow Prevention Assembly Installation, Testing and Maintenance.

1. All backflow prevention assemblies shall be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications. Backflow 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 backflow prevention assemblies shall be installed and tested in accordance with the manufacturer's instructions, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14) or the University of Southern California Manual of Cross-Connection Control.

3. Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever assemblies are found to be defective. Original forms of such test, repair, and overhaul shall be kept and submitted to the City of Newcastle within five (5) working days of the test, repair, or overhaul of such backflow prevention assembly.

4. No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the City of Newcastle. Whenever the existing assembly or device is moved from the present location or cannot be repaired, the backflow prevention or device shall be replaced with a backflow prevention or device that complies with this section, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control Manual (M14), current addition, the University of Southern California Manual of Cross-Connection Control, current addition, or the Manual of Cross-Connection Control, current addition, or the current plumbing code of the City of Newcastle, whichever is more stringent.

5. Test gauges used for backflow prevention assembly testing shall be calibrated at least annually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current addition, or The University of Southern California's Manual of Cross-Connection, current addition. The original calibration form must be submitted to the City of Newcastle within five (5) working days after calibration.

6. A recognized backflow prevention assembly tester must hold a current endorsement from the Texas Commission on Environmental Quality (TCEQ).

SECTION 3.0 SAVING CLAUSE.

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjusted invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision here to other than the part declared to be invalid or unconstitutional: and the City Council of the City of Newcastle, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 4.0 REPEALER CLAUSE

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 5.0 PUBLICATION.

The City Secretary is hereby authorized and directed to publish the caption of this Ordinance, together with the penalty provision contained therein. in the manner and for the length of time prescribed by law.

SECTION 6.0 PENALTY.

Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of Young County, Texas or any court of proper jurisdiction, shall be subject to a fine set by the Newcastle City Council of Three hundred dollars (\$300.00) for each offense, except however, where a different penalty has been established by state law for such offense the penalty shall be that fixed by state law, and for any offense which is a violation of any provision of law that governs public health and sanitation.

SECTION 7.0 INTRODUCTION

In accordance with provisions of the City Charter, this Ordinance was introduced before the City Council on the 16<sup>th</sup> day of April, 2007.  
PASSED, APPROVED and ADOPTED on this 16<sup>th</sup> day of April, 2007.

Darllon Dyer, Mayor  
Newcastle City Council

ATTEST:  
Celia Clayton, City Secretary