

ORDINANCE NO. 2164

AN ORDINANCE OF THE TOWN OF HIGHLAND PARK, TEXAS, AMENDING CHAPTER 13 "UTILITIES" OF THE CODE OF ORDINANCES OF THE TOWN OF HIGHLAND PARK, TEXAS, BY ADDING A NEW ARTICLE 13.09 ENTITLED "BACKFLOW PREVENTION"; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS/REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

WHEREAS, the Town Council of the Town of Highland Park ("Town Council") has determined the necessity of adopting backflow prevention regulations to comply with the requirements of Chapter 290 of the Texas Commission on Environmental Quality Rules and Regulations for Public Water Systems and to ensure the protection of the water supply of the Town of Highland Park ("Town"); and

WHEREAS, the Town Council is of the opinion that the adoption of backflow prevention regulations is in the best interest of the Town and will promote the health, safety, and welfare of the citizens of the Town and the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS:

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. Amendment. Chapter 13, "Utilities," of the Code of Ordinances of the Town is hereby amended by adding a new article 13.09, entitled "Backflow Prevention" as set forth in Exhibit A attached hereto and incorporated herein for all purposes.

SECTION 3. Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing a civil suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 4. Savings/Repealing. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5. Severability. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The Town hereby declares that it would have passed this Ordinance, and each

section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 6. Incorporation. This ordinance shall be deemed to be incorporated into the Code of Ordinances of the Town of Highland Park, Texas.

SECTION 7. Effective Date. This ordinance shall be in effect immediately following its passage, approval, and publication as provided by law, and it is accordingly so ordained.

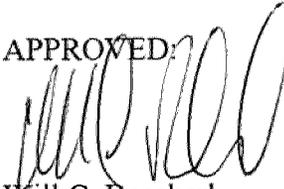
DULY PASSED, APPROVED, AND ADOPTED this 17<sup>th</sup> day of February, 2026.

APPROVED AS TO FORM:



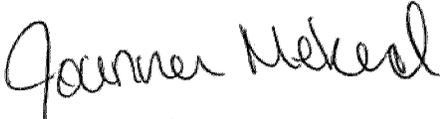
Susan B. Thomas  
Town Attorney

APPROVED:



Will C. Beecherl  
Mayor

ATTEST:



Joanna Mekeal  
Town Secretary

**Exhibit A**  
**Backflow Prevention Ordinance**

## ARTICLE 13.09 Backflow Prevention

### § 13.09.001 Purpose and Authority

This Ordinance is adopted to protect the public potable water supply from contamination and pollution due to backflow or back-siphonage. This Ordinance is enacted pursuant to the authority granted under the Texas Health and Safety Code and Title 30 of the Texas Administrative Code (TAC), including but not limited to 30 TAC §290.44(h), as administered by the Texas Commission on Environmental Quality (TCEQ). The purpose of this Ordinance is to ensure compliance with all applicable federal and state regulations governing public water systems and to safeguard public health as follows:

- (a) To protect the public potable water supply of the Town from the possibility of contamination or by isolating within the customer's internal distribution system(s), such contaminants or pollutants which could backflow into the public water system.
- (b) To promote the elimination or control of the existing cross-connections, actual or potential, between the potable water system and the nonpotable systems, plumbing fixtures and industrial piping systems.
- (c) To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.

### § 13.09.002 Definitions

For the purposes of this Ordinance, the following terms shall have the meanings set forth below:

Approved. Accepted by the Town as meeting an applicable specification stated or cited in this article or as suitable for the proposed use.

Backflow. The reversal of the normal direction of water flow, which may allow contaminants or pollutants to enter the public water system.

Backflow Prevention Assembly (BPA). An approved mechanical device designed to prevent backflow, including but not limited to Reduced Pressure Principle Assemblies (RP), Pressure Vacuum Breakers (PVB), and Double Check Valve Assemblies (DC).

Backflow prevention assembly tester (BPAT). 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. The two main categories for a BPAT are as follows:

- General Tester means backflow prevention assembly testers that has completed an executive director approved course on cross-connection control and backflow prevention assembly testing, pass an examination administered by the executive director, and hold a current license as a backflow prevention assembly tester.
- Fireline Tester means a licensed backflow prevention assembly tester that has completed an executive director approved course on cross-connection control and backflow prevention assembly testing, pass an examination administered by the executive director, and hold a current

license as a backflow prevention assembly tester may test and repair assemblies on a fire protection sprinkler system only if they are permanently employed by a fire sprinkler contractor registered through the State Fire Marshal's Office. The Texas Insurance Code requires that any person performing maintenance on any part of the overhead or underground piping of a fire sprinkler system, including backflow prevention assemblies, must be employed by a registered fire sprinkler contractor unless exempted in the sprinkler licensing law.

**Backflow Prevention Assembly Test Gauge.** Differential pressure gauge used for testing the backflow device.

**Cross-Connection.** Any physical connection between the public water system and a source of non-potable water or potential contaminant.

**Certified Tester.** An individual licensed or certified by the State and registered with the Town to test backflow prevention assemblies.

**Commercial.** A 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

**Customer.** A person or entity that receives water service from the Town at a service address, including but not limited to the owner, tenant, lessee, occupant, property manager, or any other person or entity in control of the premises or responsible for water utility service.

**Health hazard.** 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.

**High-Hazard Connection.** Any connection that, in the judgment of the Town, poses an actual or potential threat of contamination to the public water system.

**Owner.** A person, firm, corporation, partnership, association, or other legal entity holding legal title to real property, as reflected in the records of the county appraisal district or deed records of the county in which the property is located.

**Pressure loss,** Any water pressure drop caused by the installation of a backflow assembly.

**Thermal expansion.** An increase in pressure created when water is heated in a closed plumbing system.

**Town.** The Town of Highland Park, Texas, including any third-party contractor or agent performing services on behalf of the Town in accordance with this article.

**Town Administrator.** The Town Administrator of the Town of Highland Park or his/her designee.

§ 13.09.003 Applicability

This Ordinance shall apply to all water service connections to the public water system, including but not limited to residential, commercial, industrial, institutional, irrigation, and fire protection systems.

§ 13.09.004 Mandatory Installation of Backflow Prevention Assemblies

- (a) In accordance with 30 TAC §290.44(h), backflow prevention assemblies shall be required on all:
  - (1) High-hazard connections;
  - (2) Commercial facilities;
  - (3) Fire protection systems;
  - (4) Irrigation and lawn sprinkler systems;
  - (5) Specific residential connections where an actual or potential hazard exists, including but not limited to properties with auxiliary water supplies, swimming pools, private wells, rainwater harvesting systems connected to plumbing, or chemical injection systems.
- (b) The type of backflow prevention assembly required shall be determined by the degree of hazard in accordance with TCEQ rules.
- (c) Reduced Pressure Principle (RP) assemblies shall be required for high-hazard commercial or industrial connections where contaminants or pollutants may enter the water system.
- (d) Double Check Valve Detector (DCDA) assemblies shall be required for fire and irrigation systems, unless otherwise approved by the Town.

§ 13.09.005 Device Standards and Installation Requirements

- (a) All backflow prevention assemblies shall:
  - (1) Be approved by TCEQ-recognized testing agencies and listed on the current TCEQ-approved backflow prevention device list;
  - (2) Be installed in accordance with manufacturer specifications, TCEQ requirements, and applicable provisions of the International Plumbing Code (IPC), 2024 Edition, and International Residential Code (IRC), 2024 Edition, as adopted and amended by the Town;
  - (3) Be installed with adequate clearance for testing, maintenance, and repair as required by 30 TAC §290.44(h);
  - (4) Be protected from freezing, flooding, and physical damage.
- (b) No backflow prevention assembly shall be bypassed, removed, relocated, or rendered inoperative without written approval from the Town.
- (c) It shall be the responsibility of the customer to eliminate the possibility of thermal expansion if a closed system has been created by the installation of a backflow assembly.
- (d) Any water pressure loss caused by the installation of a backflow assembly shall be the responsibility of the customer and not the Town.

§ 13.09.006 Inspection and Testing

- (a) All required backflow prevention assemblies shall be tested in accordance with TCEQ requirements, and applicable provisions of the International Plumbing Code (IPC), 2024 Edition, and International Residential Code (IRC), 2024 Edition, as adopted and amended by the Town:

- (1) At the time of installation;
  - (2) Upon repair, overhaul, or relocation;
  - (3) At least annually for all assemblies;
  - (4) At additional intervals as required by the Town or TCEQ.
- (b) Annual testing shall be conducted by the Town. The cost of the annual testing is the responsibility of the customer, and such cost shall be included on the customer's water bill. Any device failing inspection shall be repaired, at the sole expense of the customer, within the time-frame determined by the Town. The customer shall engage a Certified Tester to perform the repairs and follow up testing. Follow-up test results shall be submitted to the Town within the timeframe and in the format prescribed by the Town and shall include all information required by TCEQ rules.
- (c) The Town may inspect or require an inspection of any premises, facilities, real property, or buildings connected to the public water system. An inspection may include:
- (1) a survey of the property or facilities, real property, or buildings for cross connections;
  - (2) inspection of existing backflow prevention assembly installation;
  - (3) annual testing and certification of assemblies by a licensed backflow prevention assembly tester, on or before the date established by the Town; and
  - (4) a customer service inspection that the Town has determined reasonably necessary to identify or prevent cross-connections, potential contaminant hazards, and illegal lead materials.
- (d) Existing residential/commercial customers.
- (1) For premises existing prior to the start of this program, the Town or its third-party contractor will notify each customer of the need to locate and test its backflow assemblies.
  - (2) Upon notification, the customer shall, within fifteen (15) calendar days, schedule a time with the Town or its third-party contractor to locate and test the device(s). Failure to schedule the required inspection may result in interruption of water service.
  - (3) The Town or its third-party contractor will perform evaluations and inspections and inform the customer in writing of the inspection results.
  - (4)
  - (5) If the backflow device passes inspection, the information about the device will be recorded and it will be placed on an annual inspection schedule.
  - (6) If the backflow device fails inspection, the customer will be notified in writing of the corrective action required, the approved method(s) of achieving the correction, and the time allowed for the correction to be made. Once repairs are made and the device has been fully tested, it will be placed on an annual inspection schedule.
  - (7) The cost of the testing is the responsibility of the customer, and such cost shall be included on the customer's water bill.
- (e) New construction.
- (1) The builder shall be provided with a list of registered testers as part of the building process.
  - (2) The builder will pay the required fee to the registered tester.
  - (3) The registered tester will test the device and process the report with the Town or its third-party contractor.
  - (4) Permanent water service shall not be provided until all backflow prevention assemblies have been tested, are operational, and a CSI has been completed. 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 are operational, have been tested, and all assembly test reports have been turned in to the Town in conformance with the Town's reporting procedures.

(5) The device will be placed on an annual inspection schedule.

(f) The Town shall not be liable for damage caused to any backflow prevention assembly as a result of inspection or testing performed under this section.

(g) If the Town determines at any time that a serious threat to public health exists, the water service may be terminated immediately.

#### § 13.09.007 Right of Way Encroachment

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

(b) The owner of a backflow prevention assembly that has been installed upon or within a Town right-of-way as provided by this division 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.

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

(d) 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 Town.

#### § 13.09.008 Customer Responsibilities

(a) The customer shall be responsible for:

- (1) Installation of required backflow prevention assemblies;
- (2) Ongoing maintenance and repair;
- (3) Scheduling annual testing in accordance with this ordinance;
- (4) All costs associated with compliance with this Ordinance.

(b) Failure of a backflow prevention assembly shall be promptly corrected at the customer's expense.

#### § 13.09.009 Tester Registration

(a) All Certified Testers performing testing within the Town shall hold a current Backflow Prevention Assembly Tester (BPAT) license issued by TCEQ and shall be registered with the Town prior to conducting any tests.

(b) Registration may require proof of current licensure, calibration records for test equipment, and compliance with Town administrative requirements.

(c) The Town may maintain and publish a list of registered testers for customer convenience; however, customers may use any TCEQ-licensed and Town-registered tester.

§ 13.09.010. Inspections and Right of Entry

The Town shall have the right to enter properties at reasonable times and with reasonable notice to customer to inspect for cross-connections and verify compliance with this Ordinance, subject to applicable law.

§ 13.09.011 Enforcement and Penalties

- (a) Non-compliance with this Ordinance or with 30 TAC §290.44(h), including failure to install required assemblies, failure to submit test reports, or failure to maintain assemblies in proper working condition, shall constitute grounds for enforcement action.
- (b) The Town may provide written notice of violation and a reasonable compliance period, except where an immediate threat to public health exists.
- (c) Enforcement actions may include administrative penalties as allowed by Texas law and termination of water service in accordance with TCEQ rules and Town policies.
- (d) Water service shall not be restored until all violations are corrected, required test reports are submitted, and all applicable fees are paid.
- (e) Criminal Penalty. A person violating this article commits a Class C misdemeanor, punishable in accordance with Section 1.01.009 of the Town's Code of Ordinances.
- (f) Civil Remedies. The Town attorney may enforce this article by injunction, declaratory relief, or other action at law or in equity. The Town attorney may initiate a suit against the owner, occupant, tenant, manager, or water customer of the property or facility that is the source of a violation of this article, to recover a civil penalty not to exceed \$2000 for each violation. Each day that a violation continues constitutes a separate violation.

§ 13.09.012 Appeals

Any customer aggrieved by a determination made under this Ordinance may submit a written appeal to the Town Administrator. The Town Administrator's decision shall be final for purposes of the Town's administrative process, without affecting any rights the customer may have under state law to appeal to the Texas Commission on Environmental Quality or other regulatory authorities.

§ 13.09.013 Conflicts with other codes

Where the provisions of this article conflict with any other Town building, plumbing, or technical code provisions related to backflow prevention or cross-connection control, the more restrictive provision shall govern.