

## Sec. 110-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*City* means the City of McKinney, Texas, together with all its governing and operating bodies.

*Consumer* means the actual user of a city water or sanitary sewer connection.

*Extraterritorial jurisdiction or ETJ, as defined by Tex. Loc. Gov't Code § 42.021, means the unincorporated area of land that is contiguous to the corporate boundaries of the City and within five (5) miles of those boundaries.*

*Frontage* means the distance of the lot line or tract side to which water and/or sewer mains are connected.

*Off-site main* means water and/or sewer mains totally outside of and not adjacent to a tract of land to be subdivided and developed for resale.

*On-site main* means water and/or sewer mains totally within or adjacent to a tract of land to be subdivided and developed for resale.

*Plumbing Code means the most recent edition of the International Plumbing Code as adopted and amended by the City.*

*Pro rata* means a charge made against the consumer or property owner to pay for a portion of the cost of installation or extension of water and sanitary sewer mains, as provided for in this chapter.

*Property owner* means the record title holder of premises served with water from a connection by the city.

*Qualified licensed inspector means a person who is licensed by the State of Texas to perform the type of examination(s) and test(s) called for in this Chapter as determined by the City. Depending on the type of inspection involved, persons with one or more of the following credentials may be considered a qualified licensed inspector:*

*Plumbing Inspectors and Water Supply Protection Specialists licensed by the TSBPE or Customer Service Inspectors who are currently licensed by the TCEQ.*

*Retail utility service means potable water service or sanitary sewer service or both provided by the City to a Consumer for compensation.*

Service means any act performed, anything furnished or supplied, and any facilities or lines committed or used by the City in the performance of its duties under this chapter to its patrons, employees, other retail public utilities, and the public, as well as the interchange of facilities between the City and another retail public utility.”

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**Sec. 110-21. - Purpose.**

The intention and purpose of this article is to provide an equitable charge for water and sanitary sewer connections and a proportionate distribution of the cost of potable water and sanitary sewer facilities to serve the City’s customers within the Certificated Area. This article is also intended to require that all extensions of and connections to the City’s water and sewer utilities comply with and conform to the minimum requirements of Texas and federal law in addition to the City’s regulations to protect the City’s public drinking water supply and drinking water supply system (collectively “Water System”) from contamination or pollution including, but not limited to, proper system construction or configuration on the Customer’s side of the meter.

**Sec. 110-22. – Location of Lines; City Access; and System Protection.**

(a) No water or sewer service line shall be laid except in a dedicated street, alley or easement in favor of the City. The City shall have the right to approve the location of, and inspect, the water service meter, pipe, and appurtenant equipment on customer’s property necessary to connect customer to the Water and Sewer Systems.

(b) City shall have access to its meter(s) and equipment located upon customer’s property at all reasonable and/or necessary times for any purpose connected with or in the furtherance of its business operations, and upon disconnection or discontinuance of services, the City shall have the right to remove any of its equipment from customer’s property.

(c) Customer shall install, at customer’s own expense, any necessary service lines from the City’s facilities and equipment to the point of use, including any customer service isolation valves, backflow prevention devices, clean-outs, and other equipment as may be specified by the City.

(d) City shall also have access to customer’s property for the purpose of inspecting for possible cross-connections, potential contamination hazards, illegal lead materials, other unauthorized plumbing practices and any other violations or possible violations of state and federal statutes and regulations relating to the federal Safe Drinking Water Act, Chapter 341 of the Texas Health & Safety Code and/or Title 30, Chapter 290 of the Texas Administrative Code during the City’s regular business hours. These inspections shall be conducted by the City or its designated agent prior to initiating service and periodically thereafter; when there is reason to believe that cross-connections or other potential contamination hazards exist; or after any major changes to the private water distribution facilities.

**Sec. 110-23. – Permit; Requirements to Connect.**

(a) It shall be unlawful for any person to tie onto any water line or sewer line belonging to the City without first complying with the provisions of this chapter, securing a permit from the City, and paying the fees as provided for in this chapter.

(b) All persons desiring retail utility services from the City or desiring to transfer service from a service location to another service location shall file an application with the City at the City's designated location. No connection to the City's utility system shall be made before the person has met the application, fee, and extension requirements of this chapter and, if applicable, the City's subdivision regulations.

(c) The City shall provide utility service to only "qualified service applicants," defined below, and no utility service application shall be accepted by the City unless the application is submitted by a qualified service applicant. The request by a qualified service applicant shall be filled within five (5) working days unless the City and the qualified service applicant have entered into a utility improvement agreement. If the City and the qualified service applicant have entered into a utility improvement agreement, service will be provided in accordance with that utility improvement agreement.

(d) A person is a "qualified service applicant" if the person has met the following conditions:

(1) The person has submitted a completed and signed utility service application and service agreement to the City, has presented a driver's license or social security card to the City, a copy of which the City shall keep on file, and has provided the City with verifiable proof of the applicant's right to occupy the service address. For retail service to a corporation, organization, government or political subdivision or agency, business trust, partnership, association, or any other legal entity, the person shall also provide verifiable documentation of the person's authority to request service on behalf of the entity.

(2) For developers in the City limits or ETJ of the City desiring retail utility service from the City, the developer has complied with the City's subdivision regulations to obtain retail utility service from the City for the subdivision.

(3) For persons required to obtain a building permit from the City, the person has paid all the required building permitting fees and applicable impact fees.

(4) For persons desiring utility service for property or service connections located outside the City limits of the City, the person has complied with the requirements of subsection (k) of this Section.

(5) The person has paid all applicable charges and fees prescribed by the City's fee schedules, including any tapping and metering charges, all security deposits, construction investigation fees, and utility connection and plumbing code inspection fees.

(6) The person has complied with the City's extension of utility facilities requirements, if necessary, and the facilities have been extended, inspected, and accepted by the City.

(7) The person has paid all the pro rata charges as required by this chapter and the City's subdivision regulations, if applicable.

(8) There is capacity to serve the person or development, or, if the Director of the City's Engineering Department ("Director of Engineering") determines there is not capacity to service the person or development, the person or developer has entered into a development agreement or utility improvement agreement, as applicable, with the City for the expansion of the City's utility facilities, and complied with the terms of that agreement.

(9) The person requesting utility services has provided a service address to which utility service will be provided.

(10) If required, an inspection of the utility connection has been conducted by a Plumbing Inspector or a Water Supply Protection Specialist licensed by the Texas State Board of Plumbing Examiners ("TSBPE") or by a Customer Service Inspector, licensed by the Texas Commission on Environmental Quality ("TCEQ"), and such inspection has been approved by the City.

All references in this chapter to "applicant" or "Applicant" means a "Qualified Service Applicant."

(e) The City may refuse service to a person if, at the time of the application, the person is indebted to the City, or if that person is indebted to another retail public utility, for the same kind of service for which the person has applied from the City. However, if the person is disputing the indebtedness and is otherwise in compliance with the depository requirements, service shall not be refused.

(f) No application shall be approved if the City determines that the requested service is for unreasonable consumer uses that will threaten or endanger the City's utility system or threaten the City's ability to provide continuous and adequate service.

(g) Any person denied service under this ordinance may request review of the City's decision. The request shall be made to the City Manager, who shall place the request

before the City Council. The City Manager may request additional information of the person denied service. The City Council may grant or deny service, after review of the request, in accordance with the provisions of this chapter.

(h) It shall be unlawful for any person not employed by the City to uncover and make any connection with the utility systems of the City without first obtaining the consent of the City.

(i) If a utility improvement agreement is required by the City in order to obtain utility services from the City, or the City and a developer desire to enter into a development agreement, the agreement, at a minimum, shall incorporate the requirements outlined in this chapter and shall include the following:

(1) Provide all costs associated with required administration, design, construction, and inspection of facilities for utility service to the applicant's service address and terms by which these costs are to be paid, and specify that the City is under no obligation to provide service to the applicant unless and until all required fees have been paid by the applicant.

(2) Describe all fees and costs to be paid to the City, including construction investigation fees, tapping and metering fees, and pro rata reimbursement charges, if applicable.

(3) Describe the facilities that are required to be constructed and the materials to be used in the construction of the facilities, state the size of each meter to be installed, define who will be responsible for the construction of those projects, and require the facilities to be sized and constructed in accordance with the City's standards and as determined by the City's Director of Engineering.

(4) If the facilities are to be constructed by the City, prescribe the procedures by which the applicant shall accept or deny a contractor's bid for facilities to be constructed by the City, thereby committing to continue or discontinue the project.

(5) Describe the terms and conditions by which the City may terminate its obligations to provide service.

(6) Outline how the City will administer the applicant's project with respect to:

a. Design of the applicant's onsite utility facilities;

b. Securing and qualifying bids;

- c. Selection of a qualified bidder for construction for facilities the City intends to construct;
- d. Dispensing advanced funds for construction of facilities required for the applicant's service;
- e. Inspecting construction of facilities; and
- f. Testing facilities and closing the project.

(7) Define the terms by which the applicant shall indemnify the City from all third-party claims or lawsuit in connection with the project contemplated.

(8) Define the terms by which the applicant shall deed all constructed facilities to the City and by which the City shall assume operation and maintenance responsibility, including any enforcement of warranties in connection with construction of the applicant's project.

(9) Define the terms by which the applicant shall grant title or easement for utilities, constructed facilities, and facility sites and terms by which the applicant shall provide for the securing of required utility easements and sites.

(10) Provide termination date.

(11) If applicable, provide for pro rata reimbursement by the owners of all intervening property served by such extension of facilities constructed by or paid for by the applicant. Such pro rata reimbursement provisions shall comply with this chapter.

(j) All customers of the City's utility system, including those customers located in whole or in part outside the corporate limits of the City, shall comply with the cross-contamination and backflow prevention requirements of the City.

(k) In addition to the other provisions of this chapter, this subsection applies to any retail utility service provided and requested to be provided by the City to premises that are located, in whole or in part, outside the corporate limits of the City.

(1) Any customer receiving utility services outside the City limits may not maintain connection to the City's utility system or connect to the City's utility system unless the customer is in compliance with the applicable utility regulations, state law, the Plumbing Code, and other City requirements relating to the provision of utility service. Any customer failing to be in compliance or refusing reasonable

requests for inspection of facilities connected or to be connected to the City's utilities may be disconnected or declined services.

(2) No retail utility service shall be provided at premises located in whole or part outside the corporate limits of the City unless the person desiring such service has filed an application with the City, the City has determined the application meets the requirements of this chapter, and if applicable the City's subdivision regulations, and approved such application, and the person is a Qualified Service Applicant as defined by this Section.

(3) The application for service to property located outside the corporate limits of the City shall include the following statement:

THE APPLICANT UNDERSTANDS AND AGREES THAT ALL ORDINANCES OF THE CITY (AS NOW WRITTEN AND AS HEREINAFTER AMENDED) RELATING TO UTILITY SERVICES OR TO PLUMBING MATTERS, INCLUDING BUT NOT LIMITED TO CROSS-CONNECTION AND BACK-FLOW PROTECTION REQUIREMENTS, AND INCLUDING ORDINANCES THAT IMPOSE CRIMINAL SANCTIONS, APPLY TO UTILITY SERVICES PROVIDED BY THE CITY TO PREMISES OUTSIDE OF THE CITY'S CORPORATE LIMITS. THE APPLICANT ALSO UNDERSTANDS AND AGREES THAT THE CITY MAY SUSPEND OR DISCONNECT SUCH SERVICES IN THE EVENT THAT THE APPLICANT OR ANY OTHER PERSON AT THE PREMISES TO BE SERVED FAILS TO COMPLY WITH SUCH ORDINANCES.

(4) No utility services application shall be accepted by the City unless a completed and signed application is submitted to the City that meets the requirements described in this section, the person is a Qualified Service Applicant, and the person has complied with the following requirements:

a. The person has paid the prescribed utility connection fee, if required, paid the plumbing code or customer service inspection fees and has presented to the City written evidence from a qualified licensed inspector that the plumbing system at the premises to be served has been inspected and is in compliance with the Plumbing Code;

b. The person has complied with the City's utility facilities extension requirements, if necessary."

(l) All customers of the City's utility systems, including those customers located in whole or in part outside the corporate limits of the City, shall have a customer service inspection performed by a Customer Service Inspector approved by the City and obtain a customer service inspection certificate, completed on TCEQ Form 20699 or an

equivalent form approved by the TCEQ, prior to the City providing continuous water service to new construction, or to any existing service either when the City has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities serving the customer.

(1) Individuals with the following credentials and who are approved by the City shall be recognized as capable of conducting a customer service inspection certification.

a. Plumbing Inspectors and Water Supply Protection Specialists licensed by the TSBPE.

b. Customer Service Inspectors who are currently licensed by the TCEQ.

(2) As potential contaminant hazards are discovered, they shall be promptly eliminated to prevent possible contamination of the water supplied by the Water System. The existence of a health hazard, as identified in 30 Tex. Admin. Code § 290.47(f), shall be considered sufficient grounds for immediate termination of water service. Service can be restored only when the health hazard no longer exists, or until the health hazard has been isolated from the Water System in accordance with 30 Tex. Admin. Code § 290.44(h).

(3) These customer service inspection requirements are not considered acceptable substitutes for and shall not apply to the sanitary control requirements stated in 30 Tex. Admin. Code § 290.102(a)(5).

(4) A customer service inspection is an examination of the private water distribution facilities for the purpose of providing or denying water service. This inspection is limited to the identification and prevention of cross-connections, potential contaminant hazards, and illegal lead materials. If a customer service inspection is performed by a customer service inspector, the customer service inspector shall report any violations immediately to the City's plumbing inspection department.

(5) A customer service inspection is not a plumbing inspection as defined and regulated by the TSBPE. The City's Plumbing Code requires that TSBPE licensed plumbing inspectors perform plumbing inspections of all new plumbing and alterations or additions to existing plumbing within the City's corporate limits. A customer service inspection may be performed by a plumbing inspector licensed by the TSBPE as a part of the more comprehensive plumbing inspection under the Plumbing Code. (As noted above, customer service inspections that are required in the City's ETJ may be performed by a Customer Service Inspector who is currently licensed by the TCEQ.)



**Sec. 110-24. - Method of enforcing payment.**

Nothing in this article shall be deemed in any way to be an exclusive method of enforcing the payment of the pro rata cost against the consumer and property owners, and nothing in this article shall be deemed in any manner to be a waiver of the city's right to validly assess the property owners and/or consumers concerned for cost of the installation of standard size water and sewer mains and to fix and enforce liens against said property, all of which may be done as provided by ordinance in the manner prescribed by law.

**Sec. 110-25. - Charges credited to water and sewer system fund.**

Any and all sums of money hereafter collected as a fee or connection charge at the rates set out in this article shall be credited to the water and sewer system fund of the city.

**Sec. 110-26. - Lift stations and special installations.**

In the event a lift station or other special installations are required, the same shall be installed under separate agreements between the city and the developer.

**Sec. 110-27. - City not required to make extensions.**

In no event may the city be required to make extensions under the provisions of this article if there are no funds available or if, at the discretion of the city, the extensions may not be practical or feasible.

**Sec. 110-28. - Connections to existing water and sewer mains.**

(a) All property fronting on streets, alleys and/or easements not having connections to existing potable water or sanitary sewer mains at the effective date of the ordinance from which this section is derived are required to pay the water tap fees, where applicable; meter set fees and water and sewer pro rata charges, where applicable; sewer tap fees, where applicable; and Finch Creek (Cedar Creek) pro rata charges, where applicable. Water tap fees and sewer tap fees listed herein are not applicable in subdivisions where water and sewer service lines are installed by developers. Water and sewer pro rata charges are not applicable in subdivisions where water mains and sewer mains to serve the subdivisions are installed by the developer.

(b) Where substandard water and sewer mains exist and a consumer is connected to said substandard main, pro rata will not be charged to the consumer at such time standard water and sewer mains are installed and the substandard mains are abandoned.

**Sec. 110-29. - Pro rata charges for service connections; capital recovery fees.**

A charge, known as pro rata, shall be paid by each customer or developer whose water and/or sewer service line is connected with any existing standard potable water main or sanitary sewer main operated by the city. The owner of each lot or tract of land shall pay rates as specified in appendix A of the Code of Ordinances which may be amended from time to time, which constitute a portion of the cost of such water or sewer mains unless the connection is made to a water or sewer main installed at developer's or owner's expense.

**Sec. 110-30. - Extension of mains at request of property owner; pro rata frontage for large tracts of land.**

Upon the request of an owner, or his agent, of a given lot or tract of land, the city may extend all sanitary sewer and water mains, including valves and hydrants, necessary to provide the service for which the request was made, if, in the opinion of the city, such extensions are deemed feasible. The applicant to be served shall be required to pay the charges provided for in this article. The owners of all intervening property served by the main extensions shall be required to pay the charges provided for herein at such time as their property is connected to the mains thus laid. Should an individual residence or building located on a large tract of land be connected to the city's water or sewer mains, the owner of such property shall pay pro rata charges on at least a minimum of 200 feet of frontage at the front or rear of such residence or building or at least a minimum of 200 feet along the side, if so connected. In all such cases the front or side footage utilized by the property owner in the pro rata charge made would be established by the city.

**Sec. 110-31. - Variance of basis for pro rata charge.**

In case property or a tract of land is so situated or shaped that the front footage rule creates an inequitable basis between it and other tracts of land in the city, then, and in that event, the city council shall determine the proper charge in accordance with the intent and purpose of this article.

**Sec. 110-32. - Payment of Pro Rata Charges upon Subdivision or Development.**

Should an owner or developer, whose property fronts on a street, alley and/or easement containing an existing water or sewer main, subdivide or develop such property or connect to the City's water or sewer system, he shall pay the pro rata charges on all property owned by him for the front footage along the street, alley and/or easement where the City's mains are located.

**Sec. 110-33. - Vested rights.**

No person shall acquire any vested right under the terms and provisions of this article.

**Sec. 110-34. - Calculation of charges and penalties.**

It shall be the duty of the director of finance to calculate all water and sewer charges and penalties provided for in this chapter and to collect the same and to receipt thereof on behalf of the city.

**Sec. 110-35. - Connection charge.**

There shall be a charge as determined from time to time by city council for connection of city utility service, either new service or a transfer to a new service, when such connection is made during normal city working hours. The fee for such connection requested after normal city working hours, weekends or holidays shall be as determined from time to time by city council.

**Sec. 110-36. - Residential base deposit—Required.**

Upon application for any utility service or services provided by the city to residential property, a deposit shall be placed with the city by the applicant.

**Sec. 110-37. - Same—Amount.**

The total residential base deposit for either water or sewer service or both water and sewer service shall be in an amount as established from time to time by ordinance.

**Sec. 110-38. - Same—Terms.**

The terms of a residential water or sewer deposit shall be that any service rendered by the city and not paid for by the depositor shall be charged against the utility deposit and the city shall be authorized to withdraw from the deposit the amount so charged.

**Sec. 110-39. - Same—Termination of service.**

When a depositor requests the termination of residential utility service under this article, the balance of the deposit, if any, after all city charges have been withdrawn, shall be returned to the depositor.

**Sec. 110-40. - Commercial or industrial base deposit required.**

When a commercial or industrial account requests city utility service, a service deposit shall be required which shall be equal to an estimate of the cost of 60 days' utility service. The amount of the deposit shall be estimated by city officials and be retained as long as the account is active.

**Sec. 110-41. - Withdrawal of deposit.**

If the service deposit required by the preceding sections is made with the city and payment of the account is timely paid for a period of one year, at the written request of the depositor, all but the amount required at section 110-37 or section 110-40 may be withdrawn by the depositor.

**Sec. 110-42. - Reconnection—Charges.**

(a) Definition. "Reconnection" is defined as a utility customer connection which is made subsequent to disconnection of service due to failure to pay for utility service rendered.

(b) The fee for reconnection of city utility service shall be as determined from time to time by city council.

**Sec. 110-43. - Same—Additional deposit.**

Any customer whose city utility service has been disconnected twice within a 12-month period shall be required to increase its deposit by an additional base amount following the second and each subsequent reconnection until the deposit equals three times the customer's average monthly bill. Said average bill shall be calculated by a city official using said customer's most recent 12-month billing history. The city also reserves the right to assess an additional deposit on customers with a history of unpaid prior balances. An additional base amount equal to two times the current deposit shall be required.

**Sec. 110-44. - Fire hydrant meter service deposits.**

When a city-owned fire hydrant meter is to be set, a service deposit in an amount based on the current cost of a meter plus a administrative fee, as determined from time to time by city council, will be required. When a privately owned fire hydrant meter is to be set, a service deposit as determined from time to time by city council will be required. A service charge as determined from time to time by city council shall be charged for each month (31 days) or fraction of a month in which a city-owned fire hydrant meter is used. The service deposit may be reduced if a satisfactory and established credit rating is shown and acceptable to the city, in which case the service deposit shall be as determined from time to time by city council.

**Sec. 110-45. - Miscellaneous charges.**

There shall be charges for miscellaneous city utility services as specified in appendix A of the Code of Ordinances which may be amended from time to time.

**Sec. 110-46. - Meter failure charges.**

A customer that has a water and/or sewer meter that has malfunctioned or is no longer working is required to pay a monthly charge equal to one billing cycle based upon the average of the prior 12 months usage. In the event that a customer does not have 12 months' billing history, the city finance director shall, in his sole discretion, assess a charge based upon:

- (1) Prior consumption history for the same location;
- (2) An average usage for a similar property or location; or
- (3) An average amount based on consumption after the meter is determined to be working correctly.

**Sec. 110-47. - Meters.**

(a) All water furnished by the City shall be metered by meters that are maintained and owned by the City.

(b) The meter and connection is for the sole use of customer and will be used to provide service to ONLY one (1) dwelling or one (1) business authorized to receive such service by City.

(c) Any attempt to tamper with or to by-pass a meter, or to divert water utility service from one property to another, or to share, resell, or submeter water to any other person, dwelling, business, or property is prohibited.

(d) Unauthorized users of City services shall be prosecuted to the extent allowed by law under Texas Penal Code § 28.03.

**Sec. 110-48. – Restrictions and Certain Corrections.**

(a) No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an airgap or an appropriate backflow prevention assembly in accordance with state plumbing regulations. Additionally, all pressure relief valves and thermal expansion devices must be in compliance with state plumbing codes.

- (b) No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the proper installation of an airgap or a reduced pressure-zone backflow prevention assembly and a service agreement must exist for annual inspection and testing by a certified backflow prevention device tester.
- (c) No connection which allows water of any kind or nature (including but not limited to condensing, cooling, or industrial process water) to be returned to the public drinking water supply is permitted.
- (d) No pipe or pipe fitting which contains more than 0.25 % lead may be used for the installation or repair of plumbing at any connection which provides water for human use.
- (e) No solder or flux that contains more than 0.2 % lead may be used for the installation or repair of plumbing at any connection which provides water for human use.
- (f) No installation of any plumbing fixture that is not in compliance with state-approved plumbing regulation is permitted.

#### **Sec. 110-49. – Backflow, Siphonage.**

- (a) No water connection from the Water System shall be allowed to any residence or establishment where an actual or potential contamination hazard exists unless the Water System is first protected from contamination.
  - (1) At any residence or establishment where an actual or potential contamination hazard exists, additional protection shall be required at the meter in the form of an air gap or backflow prevention assembly. The type of backflow prevention assembly required shall be determined by the specific potential hazard identified in 30 Tex. Admin. Code § 290.47(f).
  - (2) 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 is not required.
    - (i) An adequate internal cross-connection control program shall include an annual inspection and testing by a licensed backflow prevention assembly tester on all backflow prevention assemblies used for health hazard protection.
    - (ii) Customer shall provide copies of all such inspection and test reports to the City approximately one month prior to the annual anniversary of the customer's connection to the Water System.

(iii) Customer's failure to provide such inspection and test reports to the City may result in penalty, fine or the disconnection of service.

(b) Overhead bulk water dispensing stations must be provided with an air gap between the filling outlet hose and the receiving tank to protect against back siphonage and cross-contamination.

(c) All backflow prevention assemblies that are required according to this section and the table located in 30 Tex. Admin. Code § 290.47(f) shall be tested upon installation and immediately after repairs or relocation by a licensed backflow prevention assembly tester and certified to be operating within the required specifications. In addition, all backflow prevention assemblies that are installed to provide protection against health hazards shall be tested and certified to be operating within the required specifications at least annually by a backflow prevention assembly tester licensed by the TCEQ utilizing gauges conforming to the requirements of 30 Tex. Admin. Code § 290.44(h).

(1) The backflow prevention assembly tester shall include the test gauge serial numbers on the Backflow Prevention Assembly Test and Maintenance Report, completed on TCEQ Form 20700 or an equivalent form approved by the TCEQ, to ensure such gauges have been tested for accuracy.

(2) A test report must be completed by the recognized backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the City for recordkeeping purposes.

(d) 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 the Plumbing Code.

### **Sec. 110-50. – Rainwater Harvesting System.**

(a) If a structure that is connected to the Water System has a rainwater harvesting system, the structure must have appropriate cross-connection safeguards as provided hereinbelow.

(1) A privately-owned rainwater harvesting system that is connected to the Water System for a back-up supply shall have a backflow prevention assembly or an air gap installed at the storage facility for the harvested rainwater to ensure physical separation between the rainwater harvesting system and the Water System.

(2) At each residence or facility where water from a rainwater harvesting system is used for potable purposes and there is a connection to a public water system, the rainwater harvesting system shall be installed and

maintained by a master plumber or journeyman plumber licensed by the TSBPE who holds an endorsement issued by the TSBPE as a Water Supply Protection Specialist.

- (A) The Water Supply Protection Specialist shall notify City regarding the installation and maintenance of the rainwater harvesting system and confirm to the City that the rainwater harvesting system is operating in conformity to all applicable laws, rules and regulations.
- (B) The Water Supply Protection Specialist shall also notify the City at such time as the Water Supply Protection Specialist is no longer maintaining the rainwater harvesting system and upon the occurrence of any event or inspection during which the rainwater harvesting system fails to operate in accordance with all applicable laws, rules and regulations.
- (3) A person who intends to connect a rainwater harvesting system to the Water System must give prior written notice of that intention to the City before such rainwater harvesting system is connected directly or indirectly to the Water System and/or any structure that is connected to the Water System to enable the City to inspect or otherwise cause said rainwater harvesting system to be inspected for conformity to the Code of Ordinances, City of McKinney, Texas and all other applicable federal and state laws, statutes, rules and regulations
- (4) If the Water System is proposed for use as a back-up supply for the rainwater harvesting system, the Water System may only be connected to the water storage tank and may not be connected to the plumbing of a structure.
- (5) Customer's failure to comply with the requirements of this Section may result in penalty, fine or the disconnection of service.

#### **Sec. 110-51. – Fire Hydrant Flow Standards.**

(a) This Section is adopted in addition to the ordinances and regulations adopted by the City pursuant to the authority afforded by Chapter 212 of the Texas Local Government Code requiring a developer or owner of property that is being subdivided to provide sufficient water flow and pressure to such property as will satisfy both the domestic uses proposed for the property plus fire flow for purposes of providing emergency fire suppression capabilities. In this Section:

- (1) "Residential area" means an area used principally for private residences that is improved with at least 100 single-family homes and has an average density of one home per half acre.



(2) "Utility" includes a "public utility" and "water supply or sewer service corporation" as defined by Texas Water Code § 13.002.

(b) Any Utility within the City's corporate limits and ETJ shall maintain a minimum sufficient water flow and pressure to fire hydrants in a residential area located in the City or the City's ETJ.

(c) In addition to a its maximum daily demand, the Utility must provide and maintain, for purposes of emergency fire suppression:

(1) a minimum sufficient water flow of at least 250 gallons per minute for at least two hours; and

(2) a minimum sufficient water pressure of at least 20 psi.

(d) The City shall have the right to adopt a fire flow standard exceeding the minimum standards set out in subparagraph (c) of this Section based on:

(1) the density of connections;

(2) service demands; and

(3) other relevant factors.

In the event of any conflict between the fire flow standard adopted in this Section and the fire flow standard adopted by the City by and through the City's Subdivision Ordinance and/or the edition of the International Fire Code currently adopted by the City, the more stringent provisions shall apply.

(e) Notwithstanding anything to the contrary provided herein, the City will not require another Utility located in the City's corporate limits or ETJ to provide water flow and pressure in a fire hydrant greater than that provided by the City's Water System.

(f) Nothing contained in this Ordinance is intended to require a Utility to build, retrofit, or improve infrastructure in existence at the time this Ordinance is adopted.

(g) The City will attempt to enter into a written memorandum of understanding with each Utility, other than the City's Utility, which Utility provides water service within the City's corporate limits and/or ETJ that will provide for:

(1) the necessary testing of fire hydrants; and

(2) other relevant issues pertaining to the use of the water and maintenance of the fire hydrants to ensure compliance with this subsection.

(h) The City Secretary will submit a signed copy of the respective memorandum of understanding to the executive director of the TCEQ within 60 days of the execution of the memorandum of understanding between the City and each respective Utility.

(i) The City will notify the executive director of the TCEQ of any Utility's failure to comply with a standard adopted under this Section.”