

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

**ORDINANCE**

**APPROVING AMENDMENTS TO CHAPTER 34 OF THE CITY CODE RELATING TO THE ADMINISTRATION OF THE BACKFLOW PROGRAM, CLARIFYING DEFINITIONS AND INSPECTION AUTHORITY, AND OTHER MINOR LANGUAGE ADJUSTMENTS.**

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**WHEREAS**, the San Antonio Water System (“SAWS”) operates a combined water and wastewater utility system on behalf of the City of San Antonio, which serves approximately 511,300 water and 457,600 wastewater customers in the San Antonio metropolitan area; and

**WHEREAS**, the Texas Commission on Environmental Quality (TCEQ) requires all public water systems to maintain a cross-connection control program that protects the distribution system delivering drinking water to homes and businesses; and

**WHEREAS**, the City has adopted ordinances, codified in Chapter 34, Article VI, Division 8 of the City Code, for the purpose of preventing contamination of the SAWS’ potable water delivery system; and

**WHEREAS**, SAWS has implemented a backflow prevention program that is described in and authorized by Chapter 34, Article VI, Division 8 of the City Code, for the purpose of preventing contamination of SAWS’ potable water delivery system; and

**WHEREAS**, the failure to have the backflow prevention assembly tested can lead to contamination of the public water supply as well as to the water on the customer’s property; and

**WHEREAS**, SAWS Board of Trustees recommends changes to the administration of the backflow prevention program; and

**WHEREAS**, the proposed amendments to Chapter 34 include, but are not limited to, the following:

- Adjustment to the due date of Test and Maintenance Reports from June 30th to a rolling twelve months, to better accommodate customers, spread the use of inspection resources throughout the year, and to accommodate moving to a third-party administrator.
- Clarification of the definitions related to backflow assembly.
- Clarification of the wording and authority of SAWS to inspect backflow prevention assemblies.
- And other minor language adjustments.

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**WHEREAS**, in the exercise of its governmental regulatory authority, the City Council has determined that the recommended changes to Chapter 34 of the City Code are reasonable and necessary and in the best interests of the San Antonio metropolitan area; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 34 of the City Code of San Antonio, Texas (City Code), and prior City Council Ordinances regarding same, are hereby amended to be consistent with this Ordinance and its attachments. Chapter 34 of the City Code is hereby amended, as set forth in Exhibit A which is attached hereto and incorporated herein for all purposes, by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

**SECTION 2.** All other provisions of Chapter 34 of the City Code shall remain unchanged and in full force and effect, unless expressly amended by this Ordinance.

**SECTION 3.** The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format, and number paragraphs to the existing Code.

**SECTION 4.** If any part, section, paragraph, sentence, phrase or word of this Ordinance is for any reason held to be unconstitutional, illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid, or ineffective, the remainder of this Ordinance shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid, or ineffective.

**SECTION 5.** The recitals set out above and all exhibits attached hereto are fully incorporated into this Ordinance.

**SECTION 6.** There is no financial impact because of the passage of this Ordinance.

**SECTION 7.** This Ordinance shall become effective immediately upon the passage by eight (8) votes of the City Council and if passed upon fewer than eight (8) votes after the tenth (10<sup>th</sup>) day after passage.

**PASSED AND APPROVED** this \_\_\_ of \_\_\_\_\_, 2024.

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

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Debbie Racca-Sittre, City Clerk

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Andrew Segovia, City Attorney