



## AGENDA MEMORANDUM

Public Hearing and First Reading Ordinance for August 29, 2023  
Second Reading Ordinance for September 5, 2023

**DATE:** August 29, 2023  
**TO:** Peter Zaroni, City Manager  
**FROM:** Michael Dice, Assistant Director of Development Services  
[michaeld3@cctexas.com](mailto:michaeld3@cctexas.com)  
(361) 826-3596

Reinstating Building Permit Exemption and TCEQ Residential Irrigation Backflow  
Standard

**CAPTION:**

Ordinance amending Section 14-231 of the City Code to amend the Building Code to provide an exemption for certain government, industrial, and agricultural facilities from permits, amending Sections 14-281 and 14-291 of the City Code to amend the Plumbing and Residential Construction Codes to incorporate Texas Commission on Environmental Quality regulations for the testing of backflow assemblies and clarify backflow device requirements for carbonated beverage dispensers, amending Section 55-37 of the City Code to expand authority the disconnection of services for failure to install, test, or maintain a required backflow device; providing for a penalty not to exceed \$2,000 and publication.

**SUMMARY:**

Section 1 of the ordinance reinstates the building permit exemption for qualifying Agricultural and Industrial projects that were left out of the Code in adopting the 2021 International Model Codes. The reinstated exemption expands the application to industrial facilities in Heavy Industrial Districts and does not allow the exemption for facilities within 150 feet of I-37 right-of-way.

Sections 2 and 3 of the ordinance amends the code to align with Texas Commission on Environmental Quality (TCEQ) standards. Per TCEQ standards, all required backflow devices are to be tested and certified operational upon installation and upon repair. Where there is a health hazard as identified by TCEQ standards, backflow testing is required, upon installation, upon repair, and annually.

Section 4 of the ordinance updates the Code to expand authority to terminate water services of customers that fail to comply with backflow regulations.

Section 5 of the ordinance requires a reduced pressure assembly backflow preventer.

when copper piping serves water to a carbonated beverage dispenser. If there is no copper piping, the built-in dual check with atmospheric vent backflow preventer may be used in lieu of the reduced pressure assembly.

**BACKGROUND AND FINDINGS:**

When the City adopted the 2021 model International Codes, the Industrial/ Agricultural permit exceptions did not carry over. This ordinance reinstates the building permit exemptions in a clear and concise manner. The industrial permit exception has been updated from the previous exemption that was eliminated. This exemption expands the application to industrial facilities in Heavy Industrial Districts and does not allow the exemption for facilities within 150 feet of I-37 right-of-way. This ordinance also updates the backflow testing requirements to align with the TCEQ standards. Per TCEQ standards, all require backflow device are to be tested upon installation. Backflow device where a health hazard exists as identified by TCEQ standards shall be tested backflow testing is required, upon installation, upon repair, and annually. This ordinance also updates authority to terminate water services of customers that fail to comply with backflow regulations. Lastly, this ordinance clarifies when backflow device is required when a premise has a carbonated beverage dispenser.

**ALTERNATIVES:**

No alternative contemplated

**FINANCIAL IMPACT:**

N/A

**FUNDING DETAIL:**

N/A

**RECOMMENDATION:**

Staff recommends approval.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance