

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.

WHEREAS, 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, 30 Texas Administrative Code §290.44(h)(1)(B)(i);

WHEREAS, all backflow prevention assemblies that are required according to this section and associated table located in §290.47(f) of this title shall be tested upon installation by a licensed backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention 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 licensed backflow prevention assembly tester, 30 Texas Administrative Code §290.44(h)(4);

WHEREAS, the Construction Trade Advisory & Appeals Board has held a public meeting on this amendment to the Building Code of Corpus Christi; and

WHEREAS, the International Code Council provides free online access to the National Model Code being modified.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS, THAT:

SECTION 1. The Corpus Christi Code, Chapter 14, Sec. 14-231 - Building Code, Subsection 105.1.4 is repealed and replaced to read as follows:

Section 105.1.4 Building Permit Exemptions:

(a) Definitions. For the purposes of this section:

State or Federal Facility means a facility owned or managed by the State of Texas or the federal government.

Industrial Facility means a facility used to manufacture, compound, package, process, refine, sort, test, and treat raw materials and other processed materials into finished or intermediate products and to store equipment or materials used by that industrial facility.

Agricultural Facility means any structure on a tract of land larger than 10 acres used exclusively in connection with ranching or agricultural use, excluding structures used for residential, commercial, or industrial purposes.

(b) Exemption. A State or Federal Facility, Industrial Facility, or Agricultural Facility may claim an exemption from the City's requirement for technical construction code permits if all

connections between the aforesaid facility and the city water system are equipped with a backflow prevention device or air gap.

- (c) An Industrial Facility can only claim the technical construction code permit exemption if:
 - 1. the facility or industrial processing unit is inaccessible to the general public;
 - 2. the facility or unit is zoned IH or occupies a site of 20 or more contiguous acres;
 - 3. the facility or structure is not within 150 feet from the I-37 right-of-way; and
 - 4. the construction, assembly, disassembly, reassembly, modification, alteration, or improvement of the facility or unit is under a licensed professional engineer's observation and direct supervision. The licensed professional engineer will certify that all improvements meet the intent or spirit of the City's technical construction codes and life safety criteria for the occupancy as outlined in Chapter 14 of the Corpus Christi Code.
- (d) The building official and/or Corpus Christi Water representative has the right to inspect any installations connected to the city water system to the point of the valves or safety devices to ensure the connection to a backflow prevention device or air gap.
- (e) Any State or Federal Facility, Industrial Facility, or Agricultural Facility that does not have the required technical construction code permits and does not install backflow prevention devices or air gaps at all connections to the city water system authorizes the City to refuse to connect or the City to disconnect the connection from the city water supply system.
- (f) Any State or Federal Facility, Industrial Facility, or Agricultural Facility that fails to test or timely provide test results or maintain the required backflow prevention device in good operating condition authorizes the City to refuse to connect or the City to disconnect the connection from the city water supply system.

SECTION 2. The Corpus Christi Code, Chapter 14, Sec. 14-281- Plumbing Code, Subsection 312.10.1 of the International Plumbing Code is is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

312.10.1 Inspections. ~~Annual inspections shall be made of all backflow prevention assemblies and air gaps to determine whether the assemblies are operable and air gaps exist.~~ All backflow prevention assemblies required by Texas Commission on Environmental Quality (TCEQ) Publication RG-195 and 30 Texas Administrative Code Chapter 290 shall be tested and certified to be operating within specifications upon installation and immediately after repairs or relocation. All backflow prevention assemblies where there is a health contamination hazard as identified by Texas Commission on Environmental Quality (TCEQ) Publication RG-195 and 30 Texas Administrative Code §290.47(f) shall be tested and certified to be operating within specifications at the time of installation, immediately after repairs or relocation, and at least annually. All testing and certification shall be performed by a state-licensed Backflow Prevention Assembly Tester. The Backflow Prevention Assembly Tester must file an original copy of the initial test certification and each annual certification with the City's Third-Party database within ten (10) days of the testing. All connections between an industrial facility or industrial processing unit and the City's water system must be equipped with a reduced pressure backflow preventer, which will prevent backflow and back siphonage. A reduced pressure backflow preventer must be installed at each City meter servicing potable water and fire service lines. An Industrial District Affidavit must be submitted immediately upon installation or repair by a Texas certified Professional Engineer for each City water meter that is on the industrial customer's property and submitted to the Utilities Department or designee. The City has the right to inspect any connections to the City's water system, including any

valves and backflow prevention devices. If the owner or operator of an industrial facility or industrial processing unit fails to install, test or timely provide backflow test results, or maintain valves and backflow prevention devices in good operating condition, the City may refuse to connect the industrial facility or industrial processing unit to, or disconnect the facility or unit from, the City's water supply system. In addition, the City may authorize the backflow prevention device be tested, repaired and/or replaced with all associated charges to be charged to the customer's utility bill.

SECTION 3. The Corpus Christi Code, Chapter 14, Sec. 14-291 Residential Construction Code, Subsections P2503.8.1, P2503.8.2, & P2503.8.3 of the International Residential Code is repealed and replaced to read as follows:

P2503.8.1 Testing and certification of backflow devices. Backflow preventer assemblies shall be tested in accordance with Subsection 312.10.1 of the Plumbing Code as modified by Section 14-281 of the Corpus Christi Code.

SECTION 4. The Corpus Christi Code, Chapter 55, Sec. 37, Subsection (d) is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

(d) If the ~~owner or operator of an industrial facility or industrial processing unit~~ utility customer fails to comply with this section, the City, at its discretion, can refuse to connect the ~~industrial facility or industrial processing unit~~ utility customer or disconnect the property, facility, or unit from the City's water supply system. Failure to comply with the requirements of this section, including subsection (c), will result in the termination of the water service.

SECTION 5. The Corpus Christi Code, Chapter 14, Sec. 14-281- Plumbing Code, is amended by adding Subsection 608.17.1.11 to the International Plumbing Code to read as follows:

608.17.1.11 Carbonated beverage dispensers. A reduced pressure assembly backflow preventer is required when copper piping serves water to a carbonated beverage dispenser. The required backflow preventer shall comply with Texas Commission on Environmental Quality (TCEQ) public drinking water regulations. For TCEQ regulations, see 30 Texas. Administrative Code §290.47(f), Appendix F: Assessment of Hazards and Selection of Assemblies. When a carbonated beverage dispenser is not served by copper piping, an approved ASSE 1022 dual check with atmospheric vent backflow preventer (built into the carbonator assembly) may be used in lieu of the reduced pressure assembly.

SECTION 6. If for any reason any section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

SECTION 7. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 8. Penalties are as provided in Section 1-6 of the Corpus Christi Code.

SECTION 9. This ordinance takes effect after official publication.

That the foregoing ordinance was read for the first time and passed to its second reading on this the ____ day of _____, 2023, by the following vote:

Paulette Guajardo _____

Jim Klein _____

Roland Barrera _____

Mike Pusley _____

Sylvia Campos _____

Everett Roy _____

Gil Hernandez _____

Dan Suckley _____

Michael Hunter _____

That the foregoing ordinance was read for the second time and passed finally on this the ____ day of _____, 2023, by the following vote:

Paulette Guajardo _____

Jim Klein _____

Roland Barrera _____

Mike Pusley _____

Sylvia Campos _____

Everett Roy _____

Gil Hernandez _____

Dan Suckley _____

Michael Hunter _____

PASSED AND APPROVED on this the ____ day of _____, 2023.

ATTEST:

Rebecca Huerta
City Secretary

Paulette Guajardo
Mayor