

Ordinance considering a request by petitioners, pursuant to Article I, Section 4, of the City Charter to repeal Ordinance No. 029791 which amended Chapter 14, Code of Ordinances, regarding the frequency of testing required for residential irrigation backflow devices; repealing adopted ordinance; providing for publication; and declaring an emergency.

WHEREAS, Ordinance No. 029791, which was passed April 9, 2013, amended Chapter 14, Code of Ordinances, by establishing language in the Plumbing Code and Residential Construction Code to modify the frequency of testing required for residential irrigation backflow prevention devices from annual to triennial;

WHEREAS, a request has been received, pursuant to Article I, Section 4, of the City Charter, to commence a referendum proceeding for reconsideration and repeal of Ordinance No. 029791 by the City Council; and

WHEREAS, the City Council has reconsidered passage and determined that repealing Ordinance No. 029791 would best serve the public health, necessity, convenience, and general welfare of the City of Corpus Christi and its citizens.

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

SECTION 1. The City Council acknowledges receipt of a properly filed request received pursuant to Article I, Section 4, of the City Charter to reconsider and repeal Ordinance No. 029791, duly adopted on April 9, 2013, which ordinance amended Chapter 14, Code of Ordinances, to modify the frequency of testing required for residential irrigation backflow prevention devices from annual to triennial. A copy of Ordinance No. 029791 is attached to this ordinance and is incorporated by reference as if fully set out herein in its entirety.

SECTION 2. Following reconsideration of Ordinance No. 029791, the City Council hereby repeals Ordinance No. 029791 in its entirety.

SECTION 3. Publication of this ordinance 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 4. Upon the written request of the Mayor or five Council members, copy attached, the City Council: (1) finds and declares an emergency due to the need for immediate action necessary for the efficient and effective administration of City affairs and (2) suspends the Charter rule that requires consideration of and voting upon ordinances at two regular meetings so that this ordinance is passed and takes effect upon first reading as an emergency measure this the ____ day of _____, 2013.

ATTEST:

CITY OF CORPUS CHRISTI

Armando Chapa
City Secretary

Nelda Martinez
Mayor

Corpus Christi, Texas

_____ day of _____, 2013

TO THE MEMBERS OF THE CITY COUNCIL
Corpus Christi, Texas

For the reasons set forth in the emergency clause of the foregoing ordinance, an emergency exists requiring suspension of the Charter rule as to consideration and voting upon ordinances at two regular meetings: I/we, therefore, request that you suspend said Charter rule and pass this ordinance finally on the date it is introduced, or at the present meeting of the City Council.

Respectfully,

Respectfully,

Nelda Martinez
Mayor

Council Members

The above ordinance was passed by the following vote:

Nelda Martinez	_____
Kelley Allen	_____
Rudy Garza	_____
Priscilla Leal	_____
David Loeb	_____
Chad Magill	_____
Colleen McIntyre	_____
Lillian Riojas	_____
Mark Scott	_____

Ordinance amending the Code of Ordinances, Chapter 14, "DEVELOPMENT SERVICES," Article II, "City of Corpus Christi Technical Construction Codes," Division 7, "PLUMBING CODE," Section 14-281, "Plumbing Code," and Division 8, "RESIDENTIAL CODE," Section 14-292, "Residential construction code," by changing the frequency of testing for residential irrigation backflow devices; providing for severance, penalties, publication, and an effective date.

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

SECTION 1. The Code of Ordinances, Chapter 14, "DEVELOPMENT SERVICES," Article II, "City of Corpus Christi Technical Construction Codes," Division 7, "PLUMBING CODE," Section 14-281, "Plumbing code," is amended by creating a new subsection to read as follows:

"Sec. 14-281. Plumbing code.

"With the following additions, deletions, and revisions, the International Plumbing Code, 2009 Edition [including Appendix C, Gray Water Recycling Systems; Appendix E, Sizing of Water Piping; Appendix F, Structural Safety; and Appendix G, Vacuum Drainage System (see International Plumbing Code Section 101.2 2009 Edition)], as published by the International Code Council, a copy of which, authenticated by the signatures of the mayor and city secretary, made public record by this section, and on file in the city secretary's office, is incorporated by reference and adopted as the Plumbing Code for the City of Corpus Christi:

"(1) * * *

* * * *

"(10.1) Section 312.10 of the International Plumbing Code is revised to read as follows:

"312.10 Inspection and testing of backflow prevention assemblies. Inspection and testing shall comply with Sections 312.10.1 and 312.10.2.

"312.10.1 Inspections. Residential irrigation backflow prevention assemblies shall be inspected at least once every three years. Annual inspections shall be made of all other backflow prevention assemblies and air gaps to determine whether they are operable.

"312.10.2 Testing. Residential irrigation backflow prevention assemblies shall be tested at least once every three years. Reduced pressure principle backflow preventer assemblies, double check-valve assemblies, pressure vacuum breaker assemblies, reduced pressure detector fire protection backflow prevention assemblies, double check detector fire protection backflow prevention assemblies, hose connection backflow preventers, and spillproof vacuum breakers that are not part of a residential irrigation system shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10 or CSA B64.10.1.

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SECTION 2. The Code of Ordinances, Chapter 14, "DEVELOPMENT SERVICES," Article II, "City of Corpus Christi Technical Construction Codes," Division 8, "RESIDENTIAL CODE," Section 14-291, "Residential code," is amended by creating a new subsection to read as follows:

"Sec. 14-291. Residential code.

"With the following additions, deletions, and revisions, the International Residential Code for One- and Two-Family Dwellings, 2009 Edition [including Appendix O, Gray Water Recycling Systems (see International Residential Code Section R102.5 2009 Edition)], as published by the International Code Council, a copy of which, authenticated by the signatures of the mayor and city secretary, made public record by this section, and on file in the city secretary's office, is incorporated by reference and adopted as the Residential Construction Code for the City of Corpus Christi:

"(1) * * *

* * * * *

"(16.1) Section P2503.8 of the International Residential Code is revised to read as follows:

"P2503.8 Inspection and testing of backflow prevention devices. Inspection and testing of backflow prevention devices shall comply with Sections P2503.8.1 and P2503.8.2.

"P2503.8.1 Inspections. Inspections shall be made of all backflow prevention assemblies to determine whether they are operable.

"P2503.8.2 Testing. Residential irrigation backflow prevention assemblies shall be tested at least once every three years. Reduced pressure principle backflow preventers, double check valve assemblies, double-detector check valve assemblies and pressure vacuum breaker assemblies that are not part of a residential irrigation system shall be tested at the time of installation, immediately after repairs or relocation and at least annually.

* * * * *

SECTION 3. If, for any reason, any section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this ordinance is held to be invalid or unconstitutional by final judgment of a court of competent jurisdiction, such judgment shall not affect any other section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this ordinance be given full force and effect for its purpose.

SECTION 4. A violation of this ordinance or the requirements implemented under this ordinance constitutes an offense punishable under Sections 1-6, 1-6.1, and 14-207 of the Code of Ordinances, City of Corpus Christi. Unless otherwise specifically stated within the provisions of this ordinance or the Code of Ordinances, City of Corpus Christi, any violation of this ordinance or the requirements implemented under this ordinance that is punishable by a fine that exceeds the amount authorized by Section 12.23 of the Texas Penal Code shall require a culpable mental state of "criminal negligence."

SECTION 5. 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 6. This ordinance and its requirements take effect on and after May 1, 2013.

The foregoing ordinance was read for the first time and passed to its second reading on this the 26th day of March, 2013, by the following vote:

Nelda Martinez	<u>Absent</u>	Chad Magill	<u>Aye</u>
Kelley Allen	<u>Aye</u>	Colleen McIntyre	<u>Aye</u>
Rudy Garza	<u>No</u>	Lillian Riojas	<u>Aye</u>
Priscilla Leal	<u>Absent</u>	Mark Scott	<u>Aye</u>
David Loeb	<u>Aye</u>		

The foregoing ordinance was read for the second time and passed finally on this the 9th day of April, 2013, by the following vote:

Nelda Martinez	<u>No</u>	Chad Magill	<u>Aye</u>
Kelley Allen	<u>Aye</u>	Colleen McIntyre	<u>Aye</u>
Rudy Garza	<u>No</u>	Lillian Riojas	<u>Aye</u>
Priscilla Leal	<u>No</u>	Mark Scott	<u>Aye</u>
David Loeb	<u>Aye</u>		

PASSED AND APPROVED this the 9th day of April, 2013

ATTEST:

Armando Chapa
Armando Chapa
City Secretary

Nelda Martinez
Nelda Martinez
Mayor

