

Ordinance amending Sections 14-281, 14-231, 14-291, and 55-37 of the City's Code of Ordinances to amend the City's adopted International Plumbing, Building and Residential Codes, authorize the City to inspect, install, repair, and replace backflow assemblies and place the cost of said work on customer utility bills, amend other requirements related to the provision of water to reduce the chance of contamination of the City's water supply, and providing for penalties, publication, severance, and an effective date

Whereas, by Ordinance No. 030847, the City of Corpus Christi adopted the 2015 International Plumbing Code, the 2015 International Building Code, and the 2015 International Residential Code, on May 17, 2016, each as modified by said ordinance and are referred to herein as the City Plumbing Code, the City Building Code and the City Residential Code;

Whereas, Texas Local Government Code Section 552.001 (b) provides that a municipality may operate a utility system inside or outside the municipal boundaries and may regulate the system in a manner that protects the interests of the municipalities;

Whereas, the City Plumbing Code, the City Building Code and the City Residential Code contain requirements for the installation and testing of backflow prevention devices for the protection of the municipal water supply;

Now therefore, be it ordained by the City Council of the City of Corpus Christi, Texas:

Section 1. That Corpus Christi Code of Ordinances, Chapter 14, Development Services, Article II City of Corpus Christi Technical Construction, Division 7 Plumbing Code, Section 14-281, subsections (11) and (13) be amended to read as follows.

Sec. 14-281. - Plumbing code.

"With the following additions, deletions and revisions, the International Plumbing Code, 2015 Edition (including Appendix B Rates of Rainfall for Various Cities, Appendix C Structural Safety, Appendix D Degree Day and Design Temperatures, Appendix E Sizing of Water Piping (see International Plumbing Code Section 101.2, 2015 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:

(11) 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 Section 312.10.1.

312.10.1 Inspection and Testing. Residential irrigation backflow prevention assemblies shall be tested at time of installation, immediately after repairs, and at least ~~once every three years~~ annually. 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, and spill proof 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. 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 building official within ten (10) days of the testing. The testing procedure shall be performed in accordance with one (1) 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.

- (13) Section 608.1 of the International Plumbing Code is amended by adding new subsections 608.1.1 and revised subsection 608.1.2 to read as follows:

608.1.1 Testing and certification of backflow prevention devices. The utility customer must have the backflow prevention device tested and certified by a State-licensed backflow prevention assembly tester to be operating with specifications before a backflow prevention device is placed in service, and at least annually thereafter. The utility customer is responsible to provide the initial test result and certification with the building official within ten days of the certification and thereafter, annually provide them to the City Manager or designee.

608.1.2 Failure to report test result. Upon the failure of the utility customer to report the result of the required test and certification of the backflow prevention device, the City Manager, or designee, may authorize the backflow prevention device to be tested and repaired with all associated charges to be placed on the customer's utility bill, and may also authorize the stoppage of the supply of water to the service address. The water may not be restored, except upon provision of the report of the required test and certification that the backflow prevention device is operating in accordance with specifications."

Section 2. That Corpus Christi Code of Ordinances, Chapter 14, Development Services, Article II City of Corpus Christi Technical Construction, Division 2 – Building Code and Existing Building Code, Section 14-231, subsection (7) regarding Governmental Property and regarding Industrial Work be revised to read as follows.

"Sec. 14-231. - Building code.

With the following additions, deletions and revisions, the International Building Code, 2015 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 Building Code for the City of Corpus Christi:

(7) Section 105.2 of the International Building Code and Section R105.1 of the International Residential Code are amended by adding new subsections for Government Property and Industrial Work to read as follows:

Governmental Property:

1. No permit is required within and on the premises within the control and supervision of the state or federal government and where the installations will be a part of the facilities operated, maintained, and controlled by the state or federal government.
2. When city inspections are not provided, all connections to the city water system must be equipped with backflow prevention devices in accordance with city codes. The backflow prevention devices must be tested and certified to be operating within specifications by a State-licensed backflow prevention assembly tester with test results reported upon initial installation and at least annually thereafter to the City Manager or designee.
 - a. The water superintendent and the building official will determine the type of backflow prevention device necessary to prevent backflow and back siphonage.
 - b. To assure the connection, the building official has the right to inspect any installations connected to the city water system to the point of the valves or safety devices, and failure to install, test or timely provide test results, or maintain in good operating condition the device authorizes the city to refuse to connect or authorize the city to disconnect the installation connection from the city water supply system. In addition, the city may authorize the backflow prevention device be tested and repaired with all associated charges to be charged to the customer's utility bill.

Industrial Work:

1. A permit is not required and no inspections will be performed by the city relating to the construction, assembly, disassembly, reassembly, modification, alteration, or improvement of an industrial facility or industrial processing unit if:
 - a. The industrial facility or industrial processing unit occupies a site of 20 or more contiguous acres.
 - b. The industrial facility or industrial processing unit is inaccessible to the general public.
 - c. The construction, assembly, disassembly, reassembly, modification, alteration, or improvement of the industrial facility or industrial processing unit is under the observation and direct supervision of a licensed professional engineer. The industrial facility or industrial processing unit

is used to manufacture, compound, package, process, refine, sort, test, and treat raw materials and other processed materials into finished or intermediate products.

- d. The industrial facility or industrial processing unit may store materials that will be used in or produced by the manufacturing, compounding, packaging, processing, refining, sorting, testing, and treatment processes.
2. In order to qualify for an industrial exemption under this subparagraph, a professional engineer licensed in the State of Texas must certify at the beginning of each calendar year that all construction, assembly, disassembly, reassembly, modification, alteration, or improvement of the industrial facility or industrial processing unit during the previous year complied with the technical construction codes.
 - a. The affidavit must contain sufficient information that the industrial facility or industrial processing unit is entitled to the exemption requested.
 - b. The affidavit must affirm that all construction, assembly, disassembly, reassembly, modification, alteration, or improvement of the industrial facility or industrial processing unit during the previous year were performed under the direct supervision of a professional engineer licensed in the State of Texas. The affidavit must be accompanied by a site plan of a scale sufficient to delineate the industrial facility or processing unit in relation to any surrounding buildings or structures. Any connections to the city's water or wastewater systems must be shown on the site plan.
 - c. The affidavit must be on a form provided by the building official.
 - d. The licensed professional engineer who completes, signs, and seals the affidavit must 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 13 of the Code of Ordinances of the city.
 3. Any building or structure, which is not principally used in the manufacturing, compounding, packaging, processing, refining, sorting, testing, and treatment processes, is not exempt, and permits and inspections are required for any construction, modification, alteration, or improvement to the building or structure.
 4. All connections between an industrial facility or industrial processing unit and the city's water system must be equipped with backflow prevention devices, which will prevent backflow and back siphonage.
 - a. All reduced pressure backflow preventers, pressure type vacuum breakers, and double check valve assemblies must be inspected and certified to be operating within specifications on an annual basis by a State-licensed backflow prevention assembly tester ~~to the building~~

official with test results to be reported annually to the City Manager or designee.

- b. The ~~inspections~~ operations City have has the right to inspect any connections to the city's water system, including any valves and backflow prevention devices.
 - c. 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 and repaired with all associated charges to be charged to the customer's utility bill.
5. Nothing in this section may be construed to waive or exempt industrial sites from the provisions of any other provision of the Code of Ordinances or any other ordinance of the city.

Agricultural Uses:

1. Permits and inspections are not required for installations, alterations, additions, changes, or repairs within the scope of this code to any structure, which is being used exclusively in connection with the ranching or agricultural use of any tract of land of ten (10) acres or more in area within the city at the time of annexation as long as the entire premises being used for agricultural or ranching purposes at the time of annexation is not converted to any other use.
2. Any agricultural building or structure used for residential occupancy or connected to utility services may not be exempt under this section from the requirements for permits and inspections.

Section 3. That Corpus Christi Code of Ordinances, Chapter 14, Development Services, Article II City of Corpus Christi Technical Construction, Division 8 Residential Code, Section 14-291, subsection (12) be revised to read as follows.

“Sec. 14-291. - Residential construction code.

With the following additions, deletions and revisions, the International Residential Code for One- and Two-Family Dwellings, 2015 Edition (including Appendix E, Manufactured Housing Used as Dwellings, Appendix H, Patio Covers, Appendix J Existing Building and Structures, (see International Residential Code Section R102.5, 2015 Edition)), as published by the International Code Council, a copy of which, authenticated by the signatures of the Mayor and City Secretary of the City of Corpus Christi, 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:

- (12) Section P2503.8 of the International Residential Code is amended by adding new subsections P2503.8.1, P2503.8.2 and P2503.8.3 to read as follows:

P2503.8.1 Testing and certification of backflow devices. The owner of any reduced pressure principle backflow preventer, double check-valve assembly backflow preventer, double-detector check-valve assembly backflow preventer, or pressure-type vacuum breaker assembly backflow preventer must have the backflow device tested and certificated by a Backflow Prevention Assembly Tester before a backflow preventer is placed in service and annually thereafter to ensure its proper operation. The Backflow Prevention Assembly Tester must file a copy of the initial and each annual certification with the building official within ten (10) days of the testing.

P2503.8.2 Failure to report test result. Upon the failure of the utility customer to report the result of the required test of the backflow prevention device, the City Manager, or designee, may authorize the backflow prevention device be tested and repaired with all associated charges to be charged to the customer's utility bill, and may also authorize the stoppage of the supply of water to the service address. The water may not be restored, except upon provision of the report of the required test and certification that the backflow prevention device is operating within specifications.

P2503.8.3 Testing. Residential irrigation backflow prevention assemblies shall be tested at least ~~once every three (3) years~~ annually by a Backflow Prevention Assembly Tester and reported to the City Manager or designee. 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 by a Backflow Prevention Assembly Tester at the time of installation, immediately after repairs or relocation and at least annually with test results reported to the City Manager or designee. Upon the failure of the utility customer to annually report the result of the required test of the backflow prevention device, the City Manager, or designee, may authorize the backflow prevention device be tested and repaired with all associated charges to be charged to the customer's utility bill, and may also authorize the stoppage of the supply of water to the service address. The water may not be restored, except upon provision of the report of the required passing test.

Section 4. Chapter 55, Utilities, of the Code of Ordinances of the City of Corpus Christi, Texas, Section 55-37 is amended to read as follows:

Sec. 55-37. Reserved. **Procedures for installation, testing, repair, and replacement of backflow prevention devices and associated billing**

(a) The City Plumbing Code, City Building Code, City Residential Code, and State laws and regulations establish requirements for installation and testing of backflow prevention devices for protection of the municipal water supply. The utility customer is responsible to install and maintain the required backflow prevention device in accordance with said Code and regulations and as further provided in this section. For purposes of this section, the City Plumbing Code, the City Building Code, and the City Residential Code refer to said codes as adopted by City Ordinance 030847, as amended from time to time.

(b) Backflow prevention devices must be tested upon installation and at least annually by a State-licensed backflow prevention assembly tester to be certified to be operating in accordance with applicable standards, with the test results to be provided to the City Manager or designee.

(c) The City may inspect, install, repair or replace the backflow prevention device required by this section, adopted codes, state or federal laws or regulations to protect the City's water supply from potential contamination. The City may also contract with an entity to perform any of the aforementioned activities.

(d) If a test result is delinquent or shows a failing backflow prevention device, the City is authorized to repair or replace or contract for the repair or replacement of the backflow prevention device and may also authorize the disconnection of water service to the property. If the City performs the installation, testing, repair and/or replacement, then the charge for the installation, testing, repair and/or replacement of the backflow prevention device will be charged to the utility customer receiving utility service at the property.

(e) A utility customer may authorize the City to inspect, install, repair, and/or replace a backflow prevention device, regardless of delinquency or failure thereof. A utility customer may further be presumed by the City to have issued said authorization after the City issues the utility customer a notice of said customer's rights and gives the utility customer a reasonable opportunity to object to such presumed authorization.

(f) The provisions of this section shall apply to the provision of water provided to customers, other than wholesale customers, inside and outside the City limits unless otherwise contradicted in a written contract to supply water to said outside City limits customer.

(g) Any customer in an outside City limits industrial district of the City shall receive water through a backflow prevention device, air gap, or other means approved by the City's director of utilities and provide documentation thereof to said director. Failure of said customer to comply with the direction of the City's director of utilities regarding the aforementioned requirement for a backflow prevention device, air gap, other means, and/or provision of documentation thereof, after notice and an opportunity for hearing, shall authorize the City to terminate the water of said customer.

Section 5. Publication shall be made in the official publication of the City of Corpus Christi as required by City Charter of the City of Corpus Christi.

Section 6. The regulations adopted by this ordinance are found and determined to be necessary for the protection of the City's water supply as authorized by Texas Local Government Code Section 552.001.

Section 7. Penalties for violation of this Ordinance are established in Section 14-207 of the Corpus Christi City Code of Ordinances which provides for a fine of up to \$2,000.00 per day.

Section 8. Severability.

It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would not have been acted by the City without the incorporation into this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 9. Effective date. This ordinance takes effect on _____.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2017, by the following vote:

Dan McQueen	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Joe McComb	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2017, by the following vote:

Dan McQueen	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____

Paulette Guajardo _____

Greg Smith _____

Michael Hunter _____

Carolyn Vaughn _____

Joe McComb _____

PASSED AND APPROVED, this the _____ day of _____, 2017.

ATTEST:

Rebecca Huerta
City Secretary

Dan McQueen
Mayor