



CITY OF KERRVILLE
BUILDING BOARD OF ADJUSTMENT & APPEALS AGENDA
REGULAR MEETING, APRIL 27, 2023 03:00 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

1. CALL TO ORDER

2. MINUTES

2A. Approval of Meeting Minutes from the March 22, 2023 meeting

3. CONSIDERATION AND ACTION

3A. Recommend adoption of the 2021 International Plumbing Code

3B. Recommend adoption of the 2021 International Fuel Gas Code

4. STAFF REPORT

5. ADJOURNMENT

I hereby certify that this agenda was posted as notice of the meeting on the bulletin board at the City Hall of the City of Kerrville, Texas, and on the City's website on the following date and time: 4/21/2023 at 11:00 a.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Kesha Franchina

Kesha Franchina, Deputy City Secretary, City of Kerrville, Texas



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND
APPEAL
CITY OF KERRVILLE, TEXAS**

SUBJECT: 2A. Approval of Meeting Minutes from the March 22, 2023 meeting
AGENDA DATE OF: April 27, 2023 **DATE SUBMITTED:** April 21, 2023
SUBMITTED BY: Guillermo Garcia, Executive Director of Innovation
EXHIBITS:

MEMBERS PRESENT:

Bruce Motheral, Chair
Mack Edmiston, Board Member
Daniel Lowery, Board Member
Bob Rue, Board Member
Steve Van Patton, Alternate

MEMBERS ABSENT:

Jennifer Hyde, Board Member
Mike Asmus, Alternate

STAFF PRESENT:

Guillermo Garcia, Executive Director for Innovation
Stephen Riggs, Interim Chief Building Official
Dorothy Miller, Recording Secretary

1. CALL TO ORDER:

On March 22, 2023, the Kerrville Building Board of Adjustment and Appeals regular meeting was called to order at 3:00 p.m. in the City Hall council chambers, 701 Main Street.

2. APPROVAL OF MINUTES

2A. Approval of the minutes from the February 23, 2023 meeting.
Mr. Rue moved to approve the minutes as presented/amended; the motion was seconded by Mr. Edmiston and passed 5-0.

3. CONSIDERATION AND ACTION

3A. Recommend adoption of the 2021 International Existing Building Code
Mr. Garcia discussed the code adoption timeline.

- Review codes every 5 years to adopt current codes (next time will be 2029 to adopt 2027 codes, in which the city will remain one cycle behind the current codes)
- Building Board of Adjustment and Appeals meetings are currently scheduled for the 4th Thursday of the month. The March meeting was changed to Wednesday due to the 23rd being reserved for another meeting.
- IBC and IFB code review is scheduled for the April meeting but may be postponed to May and replaced with other code reviews.
- A new code, Property Maintenance, will be reviewed at the August meeting.
- 1st and 2nd readings are scheduled for September

- Final adoption of 2021 codes is scheduled for October

Mr. Riggs discussed major changes and amendments to the codes and recommended the adoption of the 2021 International Existing Building Code.

Mr. Rue moved to adopt the 2021 International Existing Building Code; the motion was seconded by Mr. Edminston and passed 5-0.

3B. Recommend adoption of the 2021 International Swimming Pool and Spa Code

Mr. Riggs discussed changes and amendments to the code and recommended the adoption of the 2021 International Swimming Pool and Spa Code.

Mr. Van Patten suggested amending section 105.1 to allow a homeowner to do his own work on an in-ground swimming pool but must have a licensed electrician apply for the electrical permit.

Mr. Rue moved to adopt the 2021 International Swimming Pool and Spa Code as amended; the motion was seconded by Mr. Edminston and passed 5-0. LISTE

DL, BR for the rest of the section.

4. STAFF REPORT

Mr. Garcia announced that today is Mr. Riggs' last day with the City of Kerrville as he has accepted a position with the City of Boerne. Mr. Garcia also stated the position of Chief Building Official is currently open.

5. ADJOURNMENT

The meeting was adjourned at 4:09 p.m.

ATTEST:

Bruce Motheral, Chair

Dorothy Miller, Recording Secretary



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND
APPEAL
CITY OF KERRVILLE, TEXAS**

SUBJECT: 3A. Recommend adoption of the 2021 International Plumbing Code
AGENDA DATE OF: April 27, 2023 **DATE SUBMITTED:** April 21, 2023
SUBMITTED BY: Guillermo Garcia, Executive Director of Innovation
EXHIBITS: Sec. 26-121. - International Plumbing Code, 2018 Edition.

SUMMARY STATEMENT:

The 2021 International Plumbing Code (IPC) provides minimum regulations for plumbing facilities and provides for the acceptance of new and innovative products, materials, and systems. The purpose of this code is to establish minimum requirements to provide a reasonable level of safety, health, property protection, and general welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of plumbing equipment and systems.

RECOMMENDED ACTION:

Recommend adoption of the 2021 International Plumbing Code and amendments.

Sec. 26-121. International Plumbing Code, 2018 Edition.

- (a) *Adoption.* The *International Plumbing Code*, 2018 Edition ("IPC"), a publication of the International Code Council (I.C.C.), is adopted and designated as the Plumbing Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this article, subject to deletions, additions, and amendments prescribed in this article. A copy of the IPC is on file in the office of the city secretary and within the department of development services.
- (b) *Amendments.* The IPC is amended as follows:
- (1) 106.6.1 is amended in its entirety to provide as follows:

106.6.1. Work commencing before permit issuance. The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the IBC or other applicable laws.
 - (2) Section 109 is deleted.
 - (3) 312.10.2 is amended in its entirety to provide as follows:

312.10.2 Testing. Reduced pressure principle, double check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, spill-resistant vacuum breaker backflow preventer assemblies, and hose connection backflow preventers shall be tested at the time of installation and immediately after repairs or relocation. Any backflow assembly installed to protect from contamination or health hazard shall be tested 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.
 - (4) 314.1 is amended in its entirety to provide as follows:

314.1 Fuel-burning appliances. Liquid combustion byproducts of condensing appliances shall be collected and discharged to a place approved by the City for disposal. Condensate may not be discharged into the sanitary sewer. Condensate piping shall consist of corrosion resistant material as approved by the City and may not be smaller than the drain connection on the appliance. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than one-eighth unit vertical in 12 units horizontal (1-percent slope).
 - (5) 314.2.1 is amended in its entirety to provide as follows:

314.2.1 Condensate disposal. Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to a place approved by the City for disposal. Condensate shall not discharge into a street, alley, or any other area so as to potentially cause a nuisance. Condensate shall not be discharged into the sanitary sewer or into any building drain, fixture trap, vent, or other arrangement, which would convey the condensate to the City's wastewater system.

Exception: an air conditioning system that meets all of the following criteria may discharge the condensate generated by this unit(s) into the City's sanitary sewer:

1. A secondary system operating within a climate controlled structure. A primary unit is not eligible for an exception.
2. Each individual air handling unit may not generate more than 0.75 gallons per day of condensate during the summer months.

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3. Total condensate discharge into the City's sanitary sewer may not exceed 15 gallons per day per lot or track of land.
- (6) 608.1 is amended by adding the following new subsection:
- 608.1.1. Water Service Shut-Off Valve.** A shut-off valve approved by the City shall be installed in the water service line at the customer side of the water meter upon installation of a new water service line or when any repair, addition, and/or alteration of the plumbing system is made which requires the water supply to the system to be turned off. NOTE: An owner, occupant, plumber, or any other individual other than a City employee is prohibited from operating, closing, opening, or tampering with the shut-off valve on the supply side (City side) of the water meter. Where it is necessary for the shut-off valve on the supply side (City side) of the water meter to be turned off, the City shall be contacted to have the shut-off valve turned off. Any damage to the City's water system, including the shut-off valve, caused by any person other than a City employee attempting to operate, close, open, or tamper with the shut-off valve shall be charged to the customer served by the damaged system.
- (7) 608.14 is amended in its entirety to provide as follows:
- 608.14 Cross-connection (backflow) control.**
- 608.14.1 Applicability of subsection.** This subsection applies to anyone who receives potable water from the City. No water service connection from the City's public water supply system shall be allowed to any building, establishment, or property where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination in accordance with state law and City ordinances. At any building, establishment, or property where an actual or potential contamination hazard exists, the City will require additional protection at the meter in the form of an air gap or backflow prevention assembly. The type of backflow prevention assembly required shall be determined by the specific potential hazard identified by the Texas Commission on Environmental Quality or its successor ("TCEQ"), and its Rules and Regulations for Public Water Systems, specifically Chapters 290 and Chapter 344 of the Texas Administrative Code; and this subsection. The City shall discontinue water service if a required backflow prevention assembly is not installed, maintained, and tested in accordance with TCEQ, its rules, and this subsection.
- 608.14.2 Responsibility.** The Manager shall be responsible for the protection of the public potable water distribution from contamination or pollution due to the backflow of contaminants or pollutants through each water service connection. If the Manager believes that an actual or potential contamination hazard exists, an approved backflow prevention assembly or device shall be required at each customer's water service connection or within the customer's private water system for the safety of the City's public water system.
- 608.18.3 Definitions.**
- (a) **Air gap.** A physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An air gap shall be at least twice the diameter of the water supply outlet, but in no event shall the air gap separation be less than two inches (2").
- (b) **Atmospheric vacuum breaker.** An assembly containing an air inlet valve, a check seat, and an air inlet port(s). The flow of water into the body causes the air inlet valve to close the air inlet port(s). When the flow of water stops the air inlet valve falls and forms a check valve against back-siphonage. At the same time it opens the air inlet port(s) allowing air to enter and satisfy the vacuum. A shutoff valve immediately upstream may be an integral part of the assembly, but the assembly shall not be subjected to operating pressure for more than twelve (12) hours in any twenty-four (24) hour period. An atmospheric vacuum breaker is designed to protect against a

non-health hazard (*i.e.*, pollutant) or a health hazard (*i.e.*, contaminant) under a back-siphonage condition only.

- (c) **Auxiliary water.** A water supply on or available to a building or establishment from a source other than the City's potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or a natural source(s) such as a well, spring, river, stream, harbor, and so forth; used waters; or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.
- (d) **Backflow.** The undesirable reversal of flow in a water system from a private plumbing system into the public water system whether caused by backpressure, back-siphonage, or a cross-connection.
- (e) **Backflow prevention assembly.** An aggregation of devices designed and manufactured in conformance with the standards established by the American Water Works Association to prevent backflow into the potable water system, including reduced pressure backflow assemblies, double-check valve assemblies, pressure vacuum breaker assemblies, or an air gap separation.
- (f) **Backflow prevention device.** A device designed to prevent backflow into the potable water system.
- (g) **Backpressure.** Hydraulic or atmospheric pressure higher than the supply pressure, caused by a pump, elevated tank, boiler, or other means that may cause backflow.
- (h) **Back-siphonage.** A form of backflow caused by a reduction in hydraulic system pressure that causes a negative or sub-atmospheric pressure.
- (i) **City.** The City of Kerrville, Texas, or any authorized person acting on its behalf.
- (j) **Contamination.** An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard.
- (k) **Cross-connection.** An actual or potential connection to a public or private water system through which it is possible to introduce contamination or pollution or any source of water treated to a lesser degree.
- (l) **Customer.** The person receiving potable water service from the City or another water purveyor.
- (m) **Double check detector backflow prevention assembly.** An assembly composed of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves located at each end of the assembly and fitting with properly located resilient-seated test cocks. This assembly shall also be provided with a means to detect system leaks and/or unauthorized use(s) of the fire protection system.
- (n) **Health hazard.** A cross-connection, potential contamination hazard, or other situation involving any substance that can cause death, illness, the spread of disease, or has a high probability of causing such effects if introduced into the public water system.
- (o) **Human consumption.** Use by humans in which water can be ingested into or absorbed by the human body. Examples include drinking, cooking, brushing teeth, bathing, washing hands, washing dishes, and preparing food.
- (p) **Manager.** The person who is performing the duties of Manager or director of the City's water and wastewater system, as designated by the City Manager, or designee.

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- (q) **Nonhealth hazard.** A cross-connection, potential contamination hazard, or other situation involving any substance that generally will not be a health hazard, but will constitute a nuisance, or be aesthetically objectionable, if introduced into the public water system.
 - (r) **Person.** An individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and other legal entity, but does not include the City.
 - (s) **Pollution.** The presence of any foreign substance that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water.
 - (t) **Potable water.** Water that complies with TCEQ rules for human consumption and other domestic uses.
 - (u) **Potential contamination hazard.** A condition, which, by its location, piping or configuration, has a possibility of being used incorrectly, whether through carelessness, ignorance, equipment failure, or negligence. A backflow condition may be created by which contamination or pollution can be introduced into the public water system.
 - (v) **Private plumbing system.** The plumbing located between the point of delivery and the point of use including pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, recycle, store, or use potable water on a customer's premises.
 - (w) **Public water system.** A system for the provision of piped water for human consumption as further defined in 30 Texas Administrative Code § 290.38, et seq., as amended.
 - (x) **Reclaimed water.** Treated water from a wastewater treatment facility.
 - (y) **Reduced pressure backflow prevention assembly.** Two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and are equipped with properly located resilient-seated test cocks.
 - (z) **Service connection.** The terminal end of a connection to the public water system, that is, the downstream end of the meter installed at the end of the service connection. There shall be no unprotected takeoffs from the service connection ahead of the meter and/or backflow prevention assembly.
 - (aa) **Used water.** Water supplied by a water purveyor from a public water system to a customer's water system that has passed through the point of delivery and is no longer controlled by the water purveyor.
 - (bb) **Utility.** Water and/or wastewater utility.
 - (cc) **Water purveyor.** A private owner, political subdivision, or other operator of a potable water system that supplies a minimum of 15 service connections or serves a minimum of 25 individuals for at least 60 days during a calendar year.

608.18.4 Cross Connections Prohibited. A person shall not:

- (a) Install a potable water supply that creates an actual or potential cross-connection or which allows, or may allow, used or polluted water, mixtures, or gasses, to enter potable water by back-siphonage, backpressure, or other means;
- (b) Connect to the public water system, water operated equipment, or water treating chemicals or substances to the public water system that may cause pollution or contamination of the public

potable water supply unless the equipment is equipped with an approved backflow prevention device or assembly installed in accordance with the requirements of this subsection;

- (c) Connect, directly or indirectly, to the public water system an auxiliary water supply;
- (d) Connect to the public water system a mechanism or system designed to return water to the public water system;
- (e) Connect a reclaimed water system to the public water system or to the water system of a customer who receives water service from the public water system; or
- (f) Install any takeoffs from the service connection ahead of the backflow prevention assembly that would require protection.

608.14.5 Backflow prevention assembly. A person shall not install a backflow prevention assembly in a private plumbing system, fire protection system, process water system, irrigation system, or other private water distribution system connected to the public water system unless:

- (a) The assembly has been designed, manufactured, and tested in accordance with the standards adopted by the American Water Works Association;
- (b) The assembly has been tested and listed as an approved backflow prevention assembly by the University of Southern California Foundation for Cross-connection Control and Hydraulic Research; and
- (c) The installation complies with the IPC.

608.14.6 Customer Duties.

- (a) A customer shall install new, replacement, or reconditioned backflow prevention assemblies and devices in accordance with the IPC.
- (b) No person shall install or maintain a backflow prevention assembly upon or within any City right-of-way except as provided by this subsection and City Code. All permits required by the City to perform work in the right-of-way shall be obtained. A backflow prevention assembly required by this subsection may be installed upon or within any City right-of-way only if the owner proves to the City that there is no other feasible location for installing the assembly, and installing it in the right-of-way will not interfere with traffic, utilities, or public safety. The City retains the right to approve the location, height, depth, enclosure, and other requisites of the assembly prior to its installation.
- (c) Any assembly or portion of an assembly in a City right-of-way which extends aboveground shall be located no closer than eighteen inches (18") to the face of the curb. A property owner shall, at the request of the City and at the owner's sole expense, relocate a backflow prevention assembly which encroaches upon any City right-of-way when such relocation is necessary for street or utility construction or repairs or for purposes of public safety.
- (d) A person commits an offense if the person installs or maintains a backflow prevention assembly in violation of this subsection.
- (e) A person commits an offense if the person fails to relocate a backflow prevention assembly located in or upon any City right-of-way after receiving a written order from the City to do so. A backflow prevention assembly installed or maintained in City right-of-way in violation of this subsection is declared to be a nuisance.
- (f) A customer shall submit to the Manager a test and maintenance report of a backflow prevention assembly upon installation or relocation. A water meter shall not be installed unless the customer has submitted a test and maintenance report.

608.14.7. Special Hazards.

- (a) A customer who installs testable backflow prevention assemblies that protect potable water from hazards to the health, safety, or life of humans or animals shall test the assemblies at least annually. Such tests must be performed by a certified backflow prevention assembly tester registered with the City.
- (b) A customer who connects to the public potable water system and adds chemicals or additives to automatic fire protection systems, standpipe systems, or privately owned fire hydrants shall install a reduced pressure detector backflow prevention assembly.
- (c) A customer who connects a dedicated fire line to the public potable water supply system and does not add chemicals or additives to the automatic fire protection system, standpipe systems or privately-owned fire hydrants, shall install a double check detector backflow prevention assembly.
- (d) A customer who obtains potable public water from the public water system for use at a construction site shall install a reduced pressure backflow prevention assembly.
- (e) A customer who purchases water for the purpose of resale or distribution shall install a reduced pressure backflow assembly at the service connection. A backflow prevention assembly tester shall certify the installation and provide the certification to the Manager within 10 days after the installation.
- (f) A person using a water-hauling vehicle to take water from the public potable water system shall have a permanently installed air gap on the vehicle.

608.14.8 Cost Recovery. Upon application made in writing and approved by the City Manager, the City may arrange to recover the costs to purchase and install the assembly through monthly billing on the customer's utility bill, which shall include interest and any applicable fee. The Manager may establish a cost recovery period that does not exceed 36 months.

608.14.9 Inspection and Testing of Backflow Prevention Assemblies. A customer shall test backflow prevention assemblies as required by 30 Texas Administrative Code §290.44. The Manager may require additional testing by a registered, licensed backflow prevention assembly tester. The customer shall pay the cost of such testing only if the prior test has failed and shall repair, overhaul, or replace an assembly that fails a test and shall pay all costs of same. The customer shall keep records of tests, repairs, and overhauls and make the records available to the Manager within five days of a test, repair, or overhaul of a backflow prevention assembly.

608.14.10 Removal or Replacement. A customer shall not remove from use, relocate, or substitute another device or assembly without the approval of the Manager.

608.14.11 Cross-Connection Survey For New Service. The Manager shall conduct a cross-connection survey of the customer's potable water system before providing service to prevent cross-connections between the customer's potable water system and contamination or pollution sources.

608.14.12 Maintenance responsibility. The customer is responsible for general maintenance and upkeep of backflow prevention assembly. An owner, tenant, and/or lessee are jointly and individually responsible for maintenance.

608.14.13 Registered/Licensed Backflow Prevention Assembly Tester.

- (a) Backflow prevention assembly testers shall be licensed by the State.
- (b) In order to be qualified to test and repair backflow assemblies or devices within the City, licensed backflow prevention assembly testers shall register with the City prior to performing any such service. Such registration shall require that the tester provide written proof of current State

certification. Such registration shall be updated upon renewal of state certification, or at any earlier time that there is any change in the registrant's license.

- (c) Licensed and registered backflow prevention assembly testers are qualified to test and repair assemblies on any domestic, commercial, industrial, or irrigation service.
- (d) Licensed and registered backflow prevention assembly testers may test and repair assemblies on fire lines only if currently employed by a fire line contractor approved by the State Fire Marshal's Office.

608.14.14 Proof of Equipment.

- (a) A licensed backflow prevention assembly tester shall furnish the following evidence to show that the tester has the necessary tools and equipment to properly test and certify backflow prevention assemblies:
 - (i) A tester shall provide the serial number of each test kit to the Manager; and
 - (ii) A tester shall:
 - A. Annually test each recorded test kit for accuracy;
 - B. Calibrate the test kit to a two percent accuracy factor; and
 - C. Maintain the test kit at a two percent accuracy factor.
- (b) A tester shall perform competent and accurate certifications of backflow prevention assemblies tested and submit the reports to the Manager. Such reports shall include a copy of the tester's current license.
- (c) A tester shall:
 - (i) Register test gauges used by the tester; and
 - (ii) List the registered serial numbers of test gauges on tests and maintenance reports before submitting the reports to the Manager.

608.14.15 Quality Control. The Manager may take the following quality control measures relating to a licensed backflow prevention assembly tester:

- (a) Retest a certified backflow prevention assembly; and
- (b) Notify the tester who has certified a backflow prevention assembly of test discrepancies.

608.14.16 Revocation. The Manager may revoke a tester's registration for:

- (a) Failure to register the serial number or calibrate gauges annually;
- (b) Three testing or reporting discrepancies within a two-year period, beginning with the first discrepancy, including:
 - (i) False, incomplete, or inaccurate reporting of test completion or certification of a backflow prevention assembly;
 - (ii) Use of inaccurate gauges;
 - (iii) Incomplete backflow tests and maintenance reports.

608.14.17 Design Changes. A certified tester shall not change the design or operational characteristics of an assembly during repair or maintenance.

608.14.18 Public Water Supply System Personnel. The City employee who tests a backflow prevention system under this subsection shall be licensed by the State as a backflow prevention assembly tester.

608.14.19 Enforcement.

608.14.19.1 Right of Entry. A City employee may enter a customer's property or facilities to inspect a cross-connection, backflow prevention assembly, or piping. The right of entry is a condition of the City providing water service, directly or indirectly, to a customer's property or facilities, whether within or outside the City limits, and is a condition of connection to the public water system.

608.14.19.2 Inspections Outside City Limits. A City employee may inspect a customer's potable water system, piping, or the records required under this Chapter or the rules of a governmental entity with which the City has an interlocal agreement for wholesale water services. The right of entry extends to public streets, easements, and private property on which public or private potable water systems are located.

608.14.20 Offenses. A person commits an offense if:

- (a) The person commits or assists in the commission of a violation of this subsection;
- (b) The person is the owner, occupant, lessee, or manager of property or facilities that are the source of a violation of this subsection; or
- (c) The person obstructs or delays the City's access to a customer's property or facilities.

608.14.21 Penalties for Repeated Violations. If a person is convicted of two or more distinct violations of this subsection within one calendar year, the Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of an authorized reconnection charge as adopted by City Council within the City's fee schedule, and any other costs incurred by the City in discontinuing service. In addition, written assurance shall be given to the Manager that no additional violations will occur. Compliance with this subsection may also be sought through injunctive relief in District Court and the City Attorney is hereby authorized to initiate such actions. These remedies are cumulative of all other remedies and a choice to proceed under this provision does not operate as an election of remedies.

608.14.22 Search Warrant. If a customer refuses to allow the City access to a building, structure, property, or a private potable system connected to the public water system in order to regulate water connections in strict conformance with this subsection, the Manager may seek a court-ordered search warrant.

608.14.23 Notice of Violation.

- (a) The Manager may serve a written notice of violation on a person who has violated the conditions of registration as a certified tester, a plumbing permit, installation requirements of a backflow prevention assembly, or other requirement of this subsection.
- (b) Notice of violation shall inform the person that within five (5) days of receipt, the person receiving the notice shall provide the Manager a written explanation of the violation and a plan that includes specific corrective actions.
- (c) Submission of a proposed corrective plan does not relieve the person of criminal or civil liability for violations of this subsection.

608.14.24 Nuisance. Backflow entering or potentially threatening to enter the public water supply system is declared to be a nuisance and as such, the City, pursuant to authority granted by state law, shall regulate such activities within 5,000 feet beyond the City's limits.

608.14.25 Civil Remedies.

608.14.25.1 Equitable Relief. The City Attorney may enforce this subsection by injunction, declaratory relief, or any other action at law or in equity. The Attorney may initiate a suit against the owner, tenant, or lessee of property or facilities that are the source of a violation of this subsection, to recover a civil penalty for each violation not to exceed \$2,000. Each day that a violation continues constitutes a separate violation. A person who violates this subsection shall be liable to the City for expenses, loss, or damage incurred by the City.

608.14.25.2 Termination of Service. The Manager may terminate service in accordance with this subsection. The Manager may refuse or discontinue water service if a backflow prevention assembly is not installed, certified for operation, repaired or replaced as required by this subsection. The Manager may require submission of test and maintenance reports before the final release of water or wastewater inspections.

608.14.26 Water Purveyor.

- (a) A water purveyor has primary responsibility to prevent water from unapproved sources, or other substances, from entering the public potable water supply. A water purveyor shall not install or maintain a water service connection to a customer's water supply system within the purveyor's jurisdiction if a health, contaminant, plumbing or pollution hazard exists, or will potentially exist, unless the purveyor protects the potable water supply with a backflow assembly.
- (b) A water purveyor shall exercise reasonable care to ensure that the purveyor's customers have taken steps to protect the public potable water supply.
- (c) A water purveyor shall determine the degree of hazard to the public potable water supply presented by the purveyor's customers.
- (d) If, in the judgment of the Manager an actual or potential contamination hazard exists, the water purveyor shall require the purveyor's customer, at the customer's expense, to:
 - (i) Install an approved backflow prevention assembly;
 - (ii) To immediately test the assembly; and
 - (iii) Periodically test the assembly as required by this subsection and the IPC.

608.14.27 Inspections. The Manager may inspect or require an inspection of property or facilities, real property, or buildings connected to the public potable water system. An inspection shall include:

- (a) A survey of the property or facilities, real property, or buildings for cross-connections;
 - (b) Inspection of existing backflow prevention assembly installation; and
 - (c) Annual testing and certification of assemblies by a certified backflow prevention assembly tester.
- (8) 701.2 is amended by adding the following new subsections:

701.2.1 Mandatory connection; general rule. Unless an exception applies as specified below or the City has specifically authorized the use of on-site sewage facilities pursuant to a development agreement, whenever the public wastewater system is available within one-hundred feet (100.0') in horizontal distance from any property, as measured on the closest practicable route from the public wastewater system to the property line of the lot or property in question, that property and any improvements thereon shall be connected to and served by the public wastewater system. The cost of such connection shall be solely at the customer's expense.

Exceptions: Where such a property described above is using an on-site sewage facility (septic system), the property is not required to connect to the public wastewater system where the on-site sewage facility meets all of the following conditions:

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- (a) The on-site sewage facility is licensed and is in full compliance with federal, state, and local laws;
 - (b) The on-site sewage facility does not create any nuisance conditions, which would include:
 - (i) Sewage, human excreta, or other organic waste discharged or exposed in a manner that makes it a potential instrument or medium in the transmission of disease to or between persons;
 - (ii) An overflow from a septic tank or similar device, including surface discharge from or groundwater contamination by a component of an on-site sewage facility; or
 - (iii) A blatant discharge from an on-site sewage facility;
 - (c) Is in need of substantial repairs, "substantial repairs" being defined as any repair that exceeds 25% of the current replacement cost of the on-site sewage facility; and/or
 - (d) There is not a change in the use of the property or an enlargement of that use.

701.2.2 Remediation of private sewage facility. When any property previously connected to a private sewage facility is connected to the public wastewater system, the private sewage facility shall be abandoned, plugged, and disconnected in accordance with applicable law.

701.2.3 City's right to connect property and recoup costs. In the event that the required connection to the public wastewater system is not completed within 180 days of notification to the record owner of the property, in addition to any other rights, remedies, or penalties arising by virtue of the failure to connect, the City may plug and disconnect the private sewage facility on the property and may connect the property to the public wastewater system, including taking any and all actions necessary to complete every act required for such disconnection and connection, as provided for in this subsection.

701.2.4 Required notice. Prior to the City Manager taking the action permitted by 701.2.3, the record owner of the property shall be provided with a "Notice of Commencement," which shall be addressed to the record owner of the property and sent by certified mail, return receipt requested, to the owner's address as indicated on the tax records. Such notice shall be mailed at least thirty (30) days prior to commencement of the work and entry onto the property. If the City Manager has actual knowledge of an address for owner that is different from that listed in the tax records, notice by certified mail shall be sent to this address. A copy of such notice shall also be mailed or delivered to any tenant of the property. Evidence that notice was delivered or attempted to be delivered to the owner or tenant as directed above shall constitute proof that sufficient notice was given.

701.2.5 Information contained within notice. The notice required by 701.2.4 shall contain the following information:

- (a) The date and time that entry onto the property and commencement of the work will occur, and the estimated time it will take to complete the work;
- (b) A general description of the work to be done;
- (c) The address and legal description of the property on which the work is to be done;
- (d) An estimate of the costs and expense for completion of the work;
- (e) A statement that the work has been necessitated by the owner's failure to comply with this subsection and that the owner shall be held liable for all costs of the work. The statement shall also provide that the owner shall pay the entire cost of the work within 120 days after receipt of a request for payment for these costs and failure of the owner to make payment as required will result in an assessment lien being filed against the property for such costs and expenses; and

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- (f) A statement that the owner has thirty (30) days from the date of receipt of the notice to bring the property into compliance with this subsection and avoid incurring any of the costs associated therewith.

701.2.6 Commencement of work. If the owner fails to initiate the required disconnection and connection within thirty (30) days of receipt of the notice, and/or fails to complete this work within ninety (90) days of such receipt, the City may enter the property and proceed to undertake the work described in the Notice.

701.2.7 Payment request. Upon completion of the work, the City shall send a request for payment to the owner, by certified mail, return receipt requested, to such address(es) as the original notice was sent, or to such other address that the City Manager has actual knowledge that the owner receives mail. This request for payment shall set forth the costs and expenses incurred by the City for the work done and shall state that a lien may be filed against the property if payment is not made in full within 120 days after the date the request for payment was mailed.

701.2.8 Remedies in seeking repayment. If payment is not made in full within 120 days after the date that request for payment was mailed, the City shall have all rights and remedies available to claimants under law to secure recovery of its costs and expenses, and shall be entitled to recover from the property owner all costs of work done, as well as costs incurred in the enforcement and foreclosure of such assessment lien, including attorney fees and costs of judicial foreclosure.

701.2.9 Obligation for costs. The costs and expenses payable under 701.2.8 shall be a personal obligation of the property owner(s) regardless of and independent of any lien claim and shall be the same as any obligation of such owner(s) for any service of the City, including without limitation water and/or wastewater charges and services.

701.2.10 Right of entry. The Manager may enter any building, structure, or premises at all reasonable times to make an inspection and/or to enforce the provisions of this subsection. When entering a building, structure, or premises for the purpose of making an inspection under this subsection, the Manager shall identify himself, present proper credentials, and request permission to enter and inspect. If the building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate and obtain permission from the owner or person having charge of the premises. If entry is refused, or the owner or person in charge of the premises cannot be located after reasonable efforts, the Manager shall have recourse to every remedy provided by law to secure entry and accomplish inspection.

701.2.11 Refusal of entry prohibited. No person, owner, or occupant shall refuse to permit a reasonable request for entry for the purpose of inspection or work to be completed under this Chapter. Violation of this provision shall be punishable under Section 1-7 of the City's Code of Ordinances.

701.2.12 No appeal right. Decisions made by the Manager under this subchapter are not subject to appeal.

- (9) 702.2 is amended by adding the following new subsection:

702.2.1. The use of SDR 26 and SDR 35 for building drains or vents is prohibited.

- (10) 702.3 is amended by adding the following new exception:

Exception: The use of SDR 35 and SDR 26 for building sewers shall be prohibited except for sizes of six inches (6") or larger.

- (11) Section 708 is amended by adding the following new subsection:

708.10. An approved two-way cleanout shall be installed at the property line.

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- (12) 918.2 is amended by adding the following exception:

Exception: Where it is impractical to install a vent to the exterior as determined by the Code Official, an approved air admittance valve may be allowed to vent an island counter sink. All air admittance valves shall be listed, labeled, and shall comply with the requirements of ANSI/ASSE 1051 for the design, construction, and installation of air admittance valves. The air admittance valve shall be installed as high as possible and allow access for repair and/or replacement.

- (13) 1003.1 is amended by adding the following new subsection:

1003.1.1. All grease traps and grease interceptors shall be installed, sized, and shall meet all applicable City requirements, including the City's regulations pertaining to grease traps. In the case of conflicting requirements between the City's regulations and the IPC, the strictest requirement shall apply. The discharge line from the grease traps and/or grease interceptors shall be provided with an approved sample well, which meets all of the requirements of the City's regulations and specifications pertaining to sample wells.

- (c) *Appendices.* The following appendices of the IPC are adopted: B, C, D, and E.

(Ord. No. 2003-30, § 1(art. 7-III-1), 12-9-2003; Ord. No. 2008-11, § 1, 3-25-2008; Ord. No. 2010-15, § 4, 7-27-2010; Ord. No. 2021-05, § 3, 1-26-2021)



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND
APPEAL
CITY OF KERRVILLE, TEXAS**

SUBJECT: 3B. Recommend adoption of the 2021 International Swimming Pool and Spa Code

AGENDA DATE OF: April 27, 2023 **DATE SUBMITTED:** April 21, 2023

SUBMITTED BY: Guillermo Garcia, Executive Director of Innovation

EXHIBITS: Sec. 26-122. - International Fuel Gas Code, 2018 Edition.

SUMMARY STATEMENT:

The 2021 International Fuel Gas Code (IFGC) addresses the design and installation of fuel gas systems and gas-fired appliances through prescriptive and performance requirements. The purpose of this code is to establish minimum requirements to provide a reasonable level of safety, health, property protection, and general welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of fuel gas equipment or systems.

RECOMMENDED ACTION:

Recommend adoption of the 2021 International Fuel Gas Code and amendments.

Sec. 26-122. International Fuel Gas Code, 2018 Edition.

- (a) *Adoption.* The *International Fuel Gas Code*, 2018 Edition ("IFGC"), a publication of the International Code Council (I.C.C.), is adopted and designated as the Fuel Gas Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this article, subject to deletions, additions, and amendments prescribed in this article. A copy of the IPC is on file in the office of the city secretary and within the department of development services.
- (b) *Amendments.* The IFGC is amended as follows:
- (1) 106.6.1 is amended in its entirety to read as follows:

106.6.1. Work commencing before permit issuance. The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the IFGC or other applicable laws.
 - (2) 109.1 is amended in its entirety to provide as follows:

109.1 Application for appeal. A person shall have the right to appeal a decision of the Code Official or the Fire Code Official to the Building Board of Adjustment and Appeals.
 - (3) 109.2 through 109.7 are deleted.
 - (4) Section 301 is amended by adding 301.16 to read as follows:

301.16 Electrical code. All references to the *ICC Electrical Code* within the IFGC shall instead refer to the applicable provisions of the Electrical Code currently adopted by the City.
 - (5) 307.2. is amended in its entirety to read as follows:

307.2. Fuel-burning appliances. Liquid combustion by-products of condensing appliances shall be collected and discharged to the exterior of the building, an adequately sized French drain, or the storm sewer. Condensate shall not be discharged into the sanitary sewer or to any plumbing fixture or drain which is connected directly or indirectly to the sanitary sewer. Condensate shall not be discharged onto a sidewalk, patio, street, alley, public way, or any other location which could create a hazard and/or nuisance. Condensate piping shall be of approved corrosion-resistant material and shall not be smaller than the drain connection on the appliance. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than one-eighth (1/8) unit vertical in 12 units horizontal (1% slope).
 - (6) Section 307 is amended by adding 307.7 to read as follows:

307.7 Condensate disposal. Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to the exterior of the building, an adequately sized French drain, or the storm sewer. Condensate shall not be discharged into the sanitary sewer or any plumbing fixture or drain which is connected directly or indirectly to the sanitary sewer. Condensate shall not be discharged onto a sidewalk, patio, street, alley, public way, or any other location which could create a hazard and/or nuisance.
- (c) *Appendices.* The following appendices of the IFGC are adopted: NONE.
- (Ord. No. 2008-15, § 1, 3-25-2008; Ord. No. 2009-23, § 1, 11-10-2009; Ord. No. 2010-15, § 5, 7-27-2010; Ord. No. 2021-05, § 4, 1-26-2021)

