Updates to Chapter 82 (Utilities) of the Code of Ordinances

City Council

PUBLIC WORKS DEPARTMENT

Purpose, Background, and Outline

Staff requests City Council approval of revisions to five sections of Chapter 82 (Utilities) of the City's Code of Ordinances:

- **One is regarding watering restrictions and is required per terms of the wholesale water supply agreement with Fort Worth**
- **Two are regarding certain industrial waste discharges and are required per terms of the wholesale wastewater service agreement with Fort Worth**
- **Two are regarding backflow prevention assembly testing and are proposed by staff to enhance efficiency and accuracy of these state-required reports**

Watering Restrictions

- Current wholesale water supply agreement with Fort Worth includes requirements for Burleson to enact the same water use restrictions, rationing, and conservation as Fort Worth
- Water use restriction ordinance adopted by Fort Worth November 2025 incorporates new progressive enforcement process for violations to prevent water waste, reduce water system peak demands, and slow the need for costly system expansions
  - Incorporates use of AMI data to assess violations where applicable (visual inspections for residential properties)
  - Assesses a non-compliance administrative fee in lieu of civil penalties on a customer's monthly billing cycle (progressive penalties - 2nd notice of violation = $25, 3rd = $50, and 4th = $75)
  - Provides potential to lock or shut-off irrigation service for repeated violations beyond 4th
  - Establishes requirements for re-establishment of service

The current twice weekly watering schedule remains unchanged

Current Burleson Irrigation Restrictions (Chapter 82-14, Ordinance CSO#130-01-2015)

Except for hand watering and use of soaker hoses, irrigation/watering is **not allowed**:

- Between 10am and 6pm on **any** day, 365 days per year
- Any day **other than** the twice per week schedule outlined below:
  - Even-numbered single-family residential addresses – Wednesdays and Saturdays
  - Odd-numbered single-family residential addresses – Thursdays and Sundays
  - All non-residential (non-single-family residential) – Tuesdays and Fridays

Variances may be granted in limited circumstances

Penalties in *Current* and Proposed Burleson Chapter 82-14

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1 → 2 → 3 → 4

1st Notice of Violation

Written Warning

Written Warning

2nd Notice of Violation

$250 fine

$25 Non-compliance fee

3rd Notice of Violation

$500 fine

$50 Non-compliance fee

4th Notice of Violation

$750 fine; subject to shut-off

$75 Non-compliance fee

Subsequent violations subject to Non-emergency termination of irrigation service; lock out fees, lock out tampering fees (if applicable), and restoration fees

Proposed ordinance replaces citations processed through Municipal Court with non-compliance fees added to water bills

Note: Five violations documented in calendar year 2025 in Burleson - lower dollar amount penalties in the proposed ordinance are anticipated to result in more consistent application and ultimately the desired behavior change

Public Outreach

In collaboration with the city's award-winning Communications team, a campaign to raise awareness of water conservation and irrigation restrictions has been underway over the last couple of months (see examples) and will continue through the summer with emphasis on any ordinance updates adopted

Source: EPA WaterSense

Community Services Committee Feedback

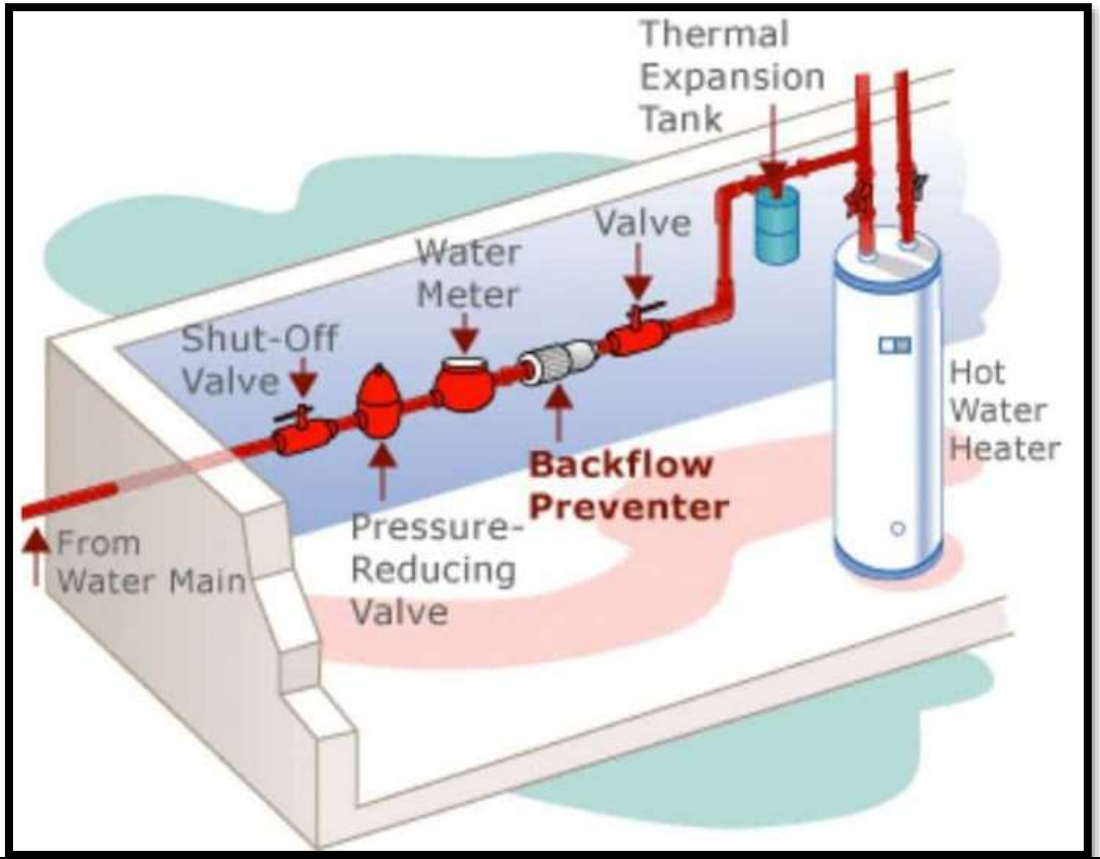
- Staff presented an overview of the proposed ordinance to the committee February 4, 2026
- Committee supported moving the ordinance forward to City Council

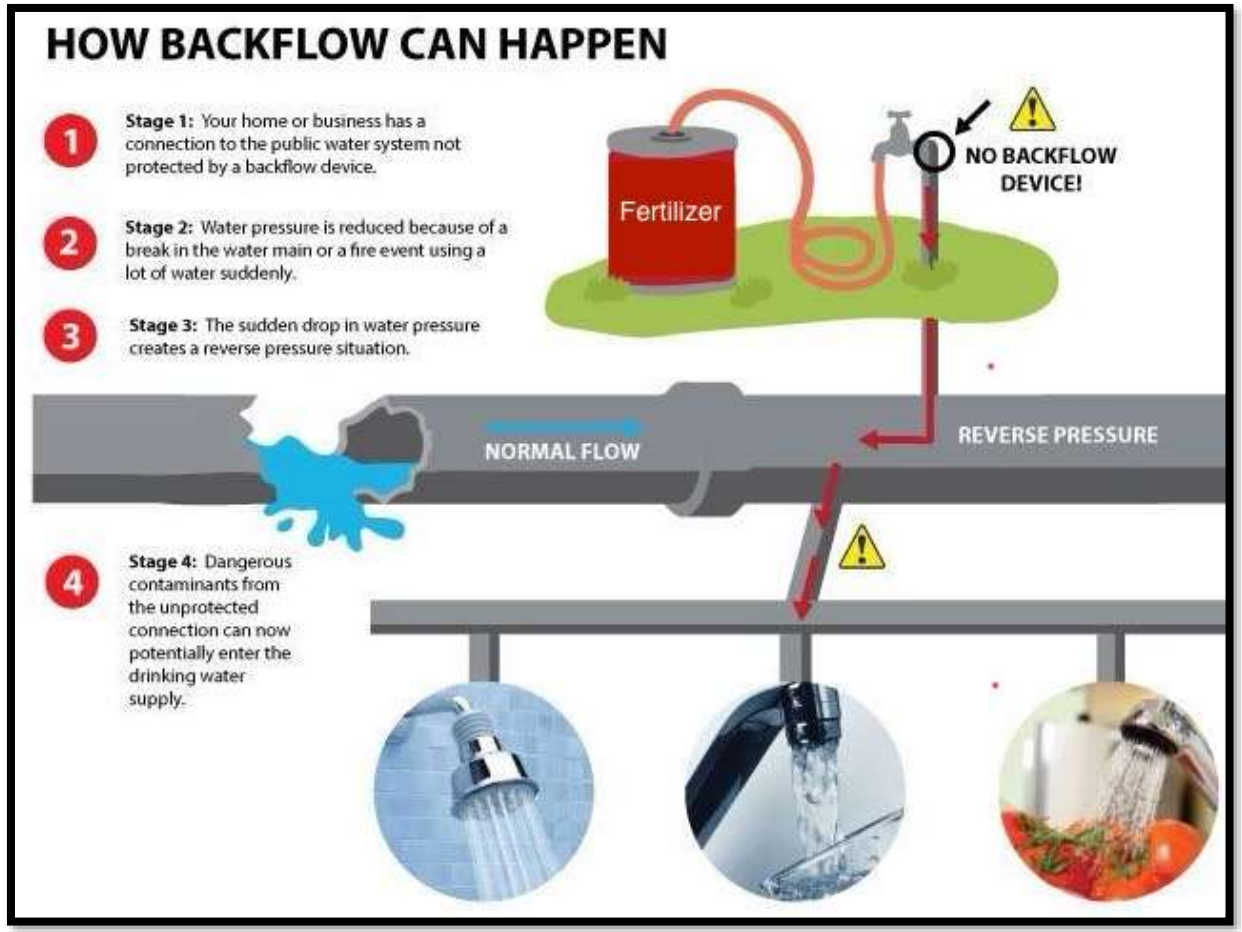
Industrial Waste Discharge

- Current wholesale wastewater service agreement with Fort Worth includes requirements for Burleson participation in Fort Worth's compliance with federal and state permits and to enact ordinances consistent with those in Fort Worth related to wastewater discharge and compliance
- Evolving regulatory requirements have caused Fort Worth to amend an ordinance to position them for compliance and require cooperation of their customers (including wholesale cities like Burleson and the customers of those cities)
- Recent ordinance adopted by Fort Worth:
  - Limits hauling or trucking of highly toxic industrial waste to help ensure that dangerous industrial compounds are removed before leaving the industrial site
  - Adds new definitions for PFAs ("forever chemicals")
  - Prohibits PFAs or PFAs-related substances above baseline concentrations without a plan of correction that incorporates best management practices
- Changes to both Chapters 82-41 and 82-43 are necessary to align Burleson ordinances with the recent Fort Worth changes regarding highly toxic waste and PFAs

Backflow Prevention Assembly Test (BPAT) Reporting

International Plumbing Code (Ch. 6), International Residential Code (Ch. 29), and TCEQ require assemblies as protection for public water system and require annual testing



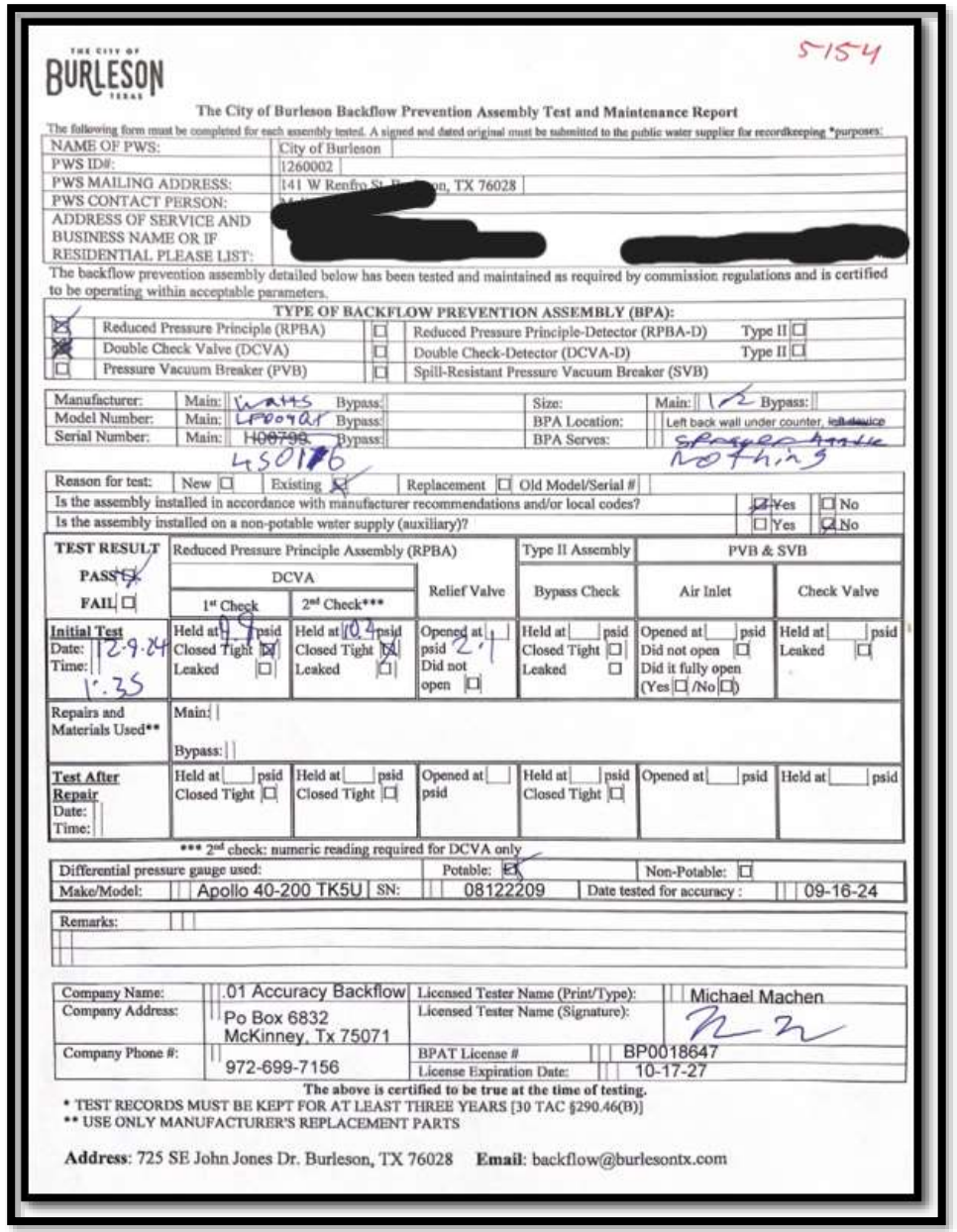


Backflow: Water flowing opposite its intended direction, either from loss of pressure in supply lines or increase in pressure on customer side - backflow can carry contaminants with it into supply lines

Codes in effect at time of construction/renovation determine assemblies or other devices required

Backflow Prevention Assembly Test (BPAT) Reporting

- Texas Commission on Environmental Quality (TCEQ) and plumbing codes require installation and annual testing of backflow prevention devices to prevent contamination of the public water system
- TCEQ requires the public water system (Public Works) to receive BPAT reports (on paper or electronically including online) and retain them for three years
- Public Works receives hundreds of reports annually, mostly hand-written and through the U.S. mail that must be manually processed into a database
- Property owners hire state-licensed testers to conduct annual tests
- Changes to both Chapters 82-233 and 82-240 are necessary to enable the transition to a more efficient online system of receiving and maintaining the reports
  - 82-233 to require the reports be submitted online
  - 82-240 to require state licensed testers to register for online submittal



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The City of Burleson Backflow Prevention Assembly Test and Maintenance Report

The following form must be completed for each assembly tested. A signed and dated original must be submitted to the public water supplier for recordkeeping *purposes.

NAME OF PWS:	City of Burleson
PWS ID#:	1260002
PWS MAILING ADDRESS:	141 W Renfro St, Burleson, TX 76028
PWS CONTACT PERSON:	[redacted]
ADDRESS OF SERVICE AND BUSINESS NAME OR IF RESIDENTIAL PLEASE LIST:	[redacted]

The backflow prevention assembly detailed below has been tested and maintained as required by commission regulations and is certified to be operating within acceptable parameters.

TYPE OF BACKFLOW PREVENTION ASSEMBLY (BPA):

☒ Reduced Pressure Principle (RPBA)	☐	Reduced Pressure Principle-Detector (RPBA-D)	Type II ☐
☒ Double Check Valve (DCVA)	☐	Double Check-Detector (DCVA-D)	Type II ☐
☐ Pressure Vacuum Breaker (PVB)	☐	Spill-Resistant Pressure Vacuum Breaker (SVB)	

Manufacturer:	Main: Watts	Bypass:	Size:	Main: 1 1/2	Bypass:
Model Number:	Main: LF009QT	Bypass:	BPA Location:	Left back wall under counter, ~~in-ground~~	
Serial Number:	Main: ~~H00796~~ 450186	Bypass:	BPA Serves:	~~Sprinkler Line~~ Nothing	

Reason for test: New ☐ Existing ☒ Replacement ☐ Old Model/Serial #

Is the assembly installed in accordance with manufacturer recommendations and/or local codes? ☒ Yes ☐ No

Is the assembly installed on a non-potable water supply (auxiliary)? ☐ Yes ☒ No

TEST RESULT PASS ☒ FAIL ☐	Reduced Pressure Principle Assembly (RPBA)			Type II Assembly	PVB & SVB		
	DCVA		Relief Valve	Bypass Check	Air Inlet	Check Valve	
	1st Check	2nd Check***					
Initial Test Date: 2.9.24 Time: 1:35	Held at 1.9 psid Closed Tight ☒ Leaked ☐	Held at 1.4 psid Closed Tight ☒ Leaked ☐	Opened at ☐ psid 2.1 Did not open ☐	Held at ☐ psid Closed Tight ☐ Leaked ☐	Opened at ☐ psid Did not open ☐ Did it fully open (Yes ☐ /No ☐)	Held at ☐ psid Leaked ☐	
Repairs and Materials Used**	Main: Bypass:						
Test After Repair Date: Time:	Held at ☐ psid Closed Tight ☐	Held at ☐ psid Closed Tight ☐	Opened at ☐ psid	Held at ☐ psid Closed Tight ☐	Opened at ☐ psid	Held at ☐ psid	

*** 2nd check: numeric reading required for DCVA only

Differential pressure gauge used:			Potable: ☒	Non-Potable: ☐	
Make/Model:	Apollo 40-200 TK5U	SN:	08122209	Date tested for accuracy:	09-16-24

Remarks:

Company Name:	.01 Accuracy Backflow	Licensed Tester Name (Print/Type):	Michael Machen
Company Address:	Po Box 6832 McKinney, Tx 75071	Licensed Tester Name (Signature):	
Company Phone #:	972-699-7156	BPAT License #	BP0018647
		License Expiration Date:	10-17-27

The above is certified to be true at the time of testing.

* TEST RECORDS MUST BE KEPT FOR AT LEAST THREE YEARS [30 TAC §290.46(B)]
** USE ONLY MANUFACTURER'S REPLACEMENT PARTS

Address: 725 SE John Jones Dr. Burleson, TX 76028 **Email:** backflow@burlesontx.com

Actions Requested

1. Approve an ordinance amending Section 82-14 of the Code of Ordinances modifying drought contingency penalties and enforcement
2. Approve an ordinance amending Section 82-41 of the Code of Ordinances providing definitions for PFAs-related terms
3. Approve an ordinance amending Section 82-43 of the Code of Ordinances limiting hauling or trucking waste with detectable quantities of PFAs and prohibiting PFAs or PFAs-related substances above baseline concentrations without a plan of correction implementing best management practices
4. Approve an ordinance amending Section 82-233 of the Code of Ordinances to require backflow prevention assembly testing reports to be filed online
5. Approve an ordinance amending Section 82-240 of the Code of Ordinances to require backflow prevention assembly testers to be registered to submit test reports online

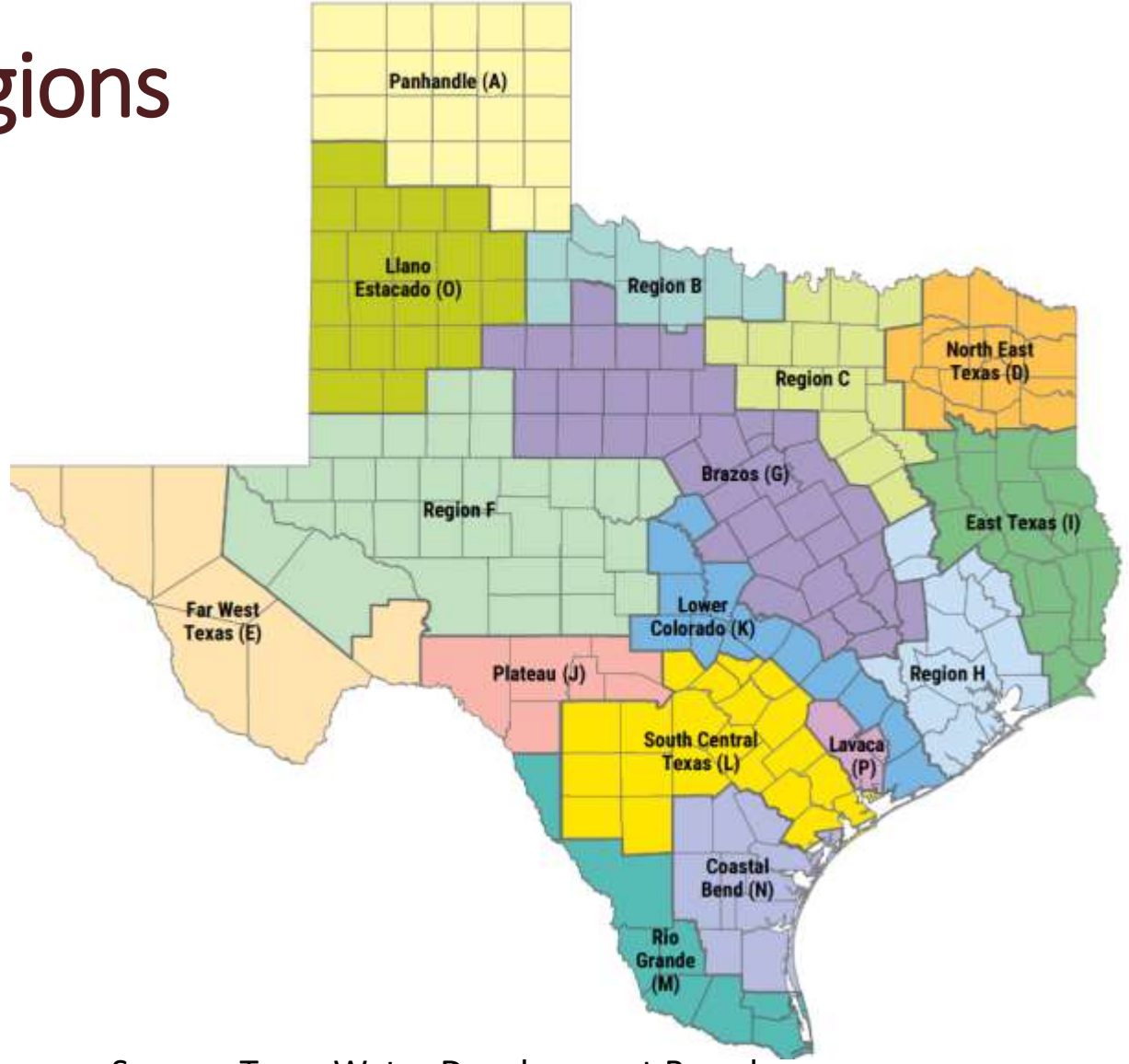
Questions / Discussion

Appendix

State / Regional Water Planning Information

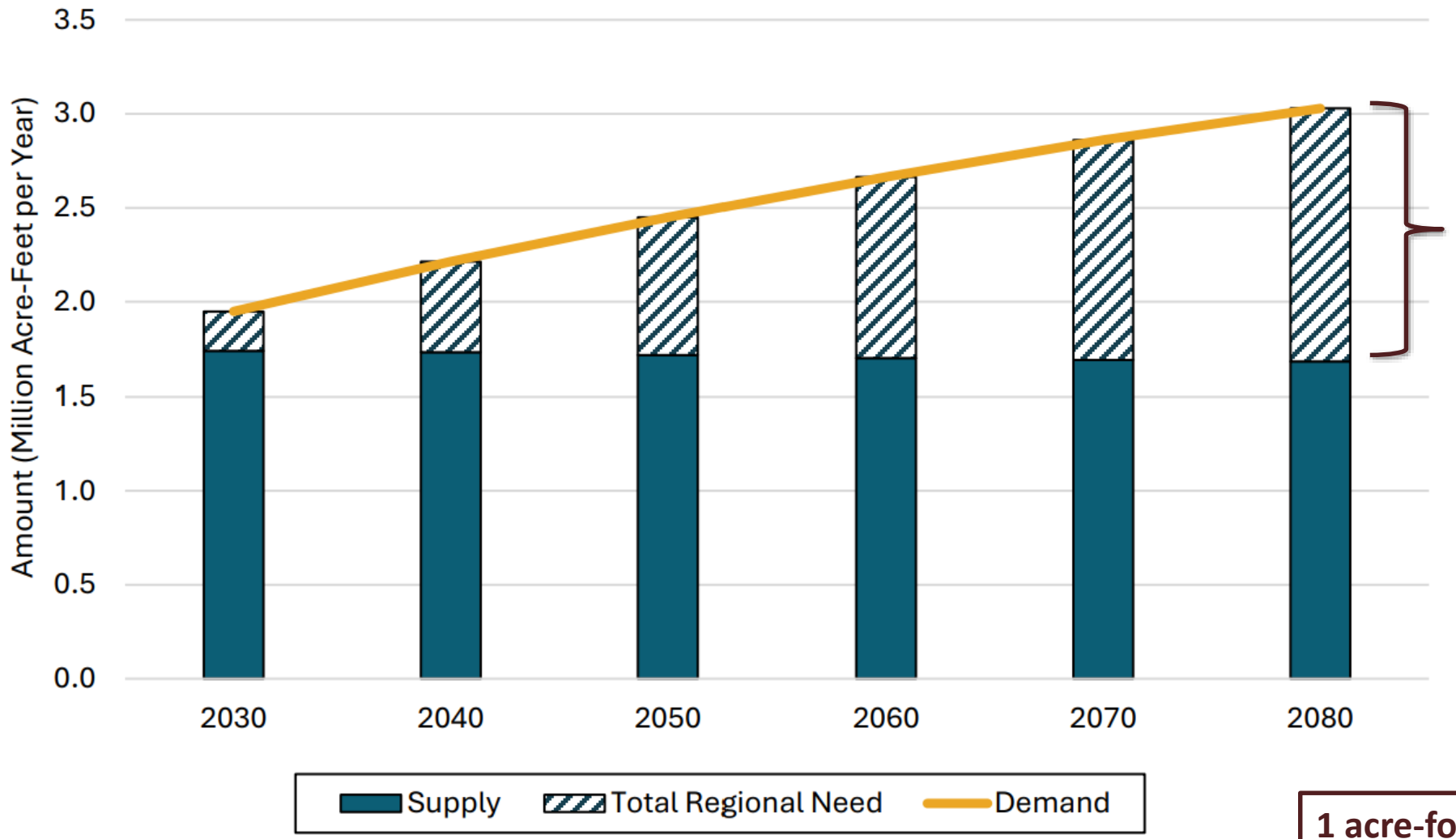
State Water Planning Regions

- Burleson physically lies within both Region C (Tarrant County) and Region G (Johnson County)
- Burleson's wholesale supply comes from City of Fort Worth



Source: Texas Water Development Board

FIGURE 4.1 COMPARISON OF CONNECTED SUPPLY WITH PROJECTED DEMAND BY DECADE



Projected Deficit: ~ 1.359 million acre-feet across Region C

1 acre-foot = 325,851 gallons

Source: TWDB, *2026 Region C Water Plan*

1 acre-foot = 325,851 gallons

TABLE 4.2 PROJECTED SHORTAGE BY USE TYPE FOR REGION C

CATEGORY	VALUES IN ACRE-FEET PER YEAR					
	2030	2040	2050	2060	2070	2080
Municipal	220,512	467,639	709,949	933,232	1,132,540	1,301,192
Irrigation	5,501	5,498	5,498	5,507	5,538	5,584
Livestock	0	0	0	0	0	0
Manufacturing	9,142	19,946	24,070	27,767	31,018	33,740
Mining	123	211	890	2,587	5,105	8,473
Steam Electric Power	1,022	5,591	6,845	8,163	9,196	10,034
TOTAL	***236,300***	***498,885***	***747,252***	***977,256***	***1,183,397***	***1,359,023***

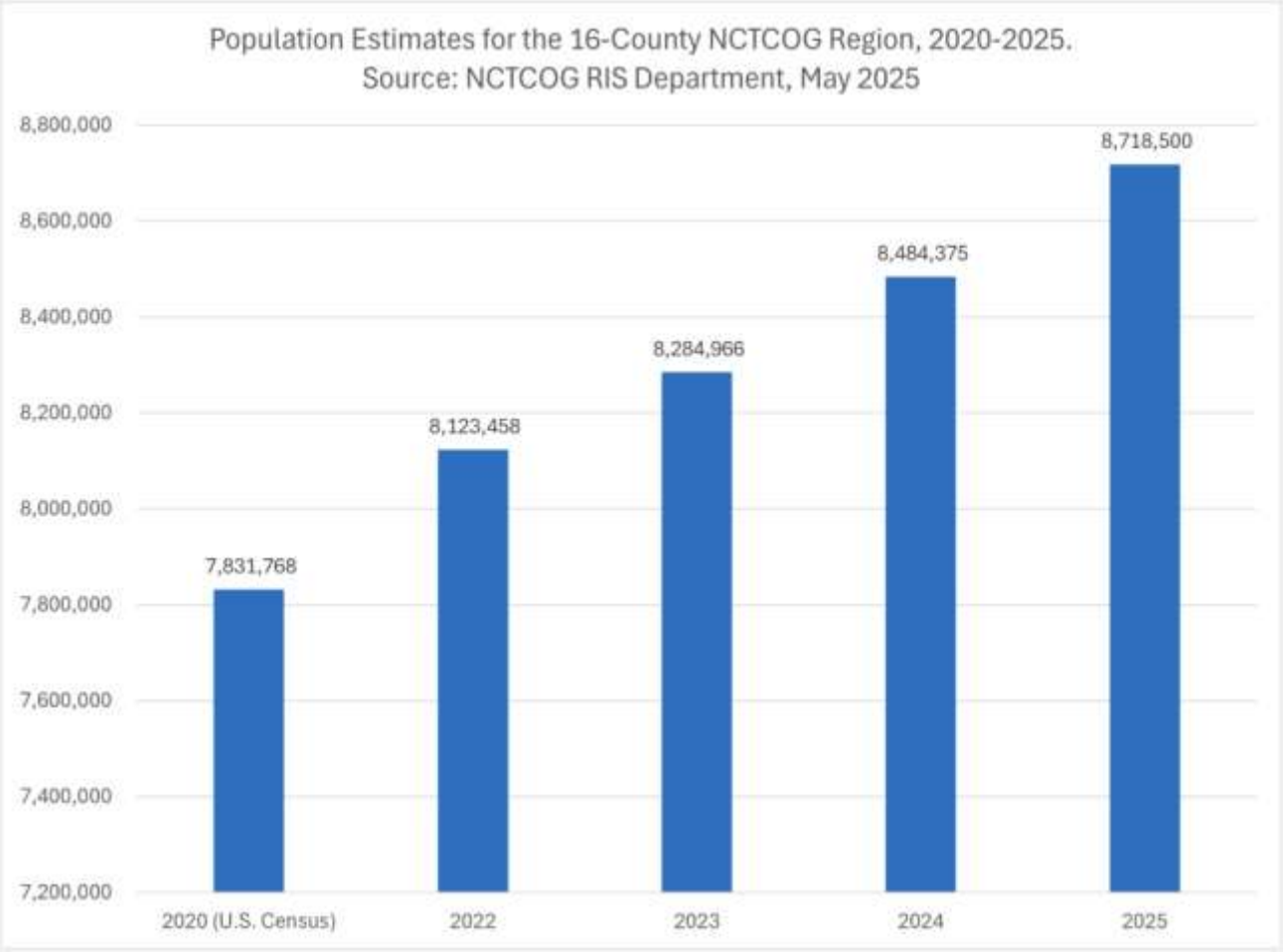
Source: TWDB, *2026 Region C Water Plan*

Projected shortage for irrigation alone just in Water Planning Region C is 5,501 acre-feet or approximately 1.8 Billion gallons in 2030

Municipal water demand includes water used by a variety of consumers including single-family residences, multi-family residences, and non-residential establishments (commercial, institutional, and *light* industrial). Residential and non-residential consumers uses include drinking, cooking, sanitation, cooling, and landscape watering.

Additional Drivers

Continued population growth – approximately 200,000 people added to the region each year for the past five years



2026 FIFA World Cup – nine matches to be played in the region (said to be equivalent to hosting 10 Super Bowls) generating additional water demands this summer and making conservation even more important than normal