

City of Dripping Springs

**Standalone Irrigation-Only Rainwater Harvesting Systems
Ordinance**

ORDINANCE No. 2026-##

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS, AMENDING CHAPTER 24, ARTICLE 24.02, DIVISION 5, SECTION 24.02.262, LOCAL AMENDMENTS, OF THE CITY CODE OF ORDINANCES BY ADOPTING A LOCAL AMENDMENT TO CHAPTER 13 OF THE CITY'S ADOPTED INTERNATIONAL PLUMBING CODE FOR STANDALONE IRRIGATION-ONLY RAINWATER HARVESTING SYSTEMS; PROVIDING THAT A QUALIFYING STANDALONE IRRIGATION-ONLY RAINWATER HARVESTING SYSTEM DOES NOT REQUIRE A CITY PLUMBING PERMIT SOLELY BECAUSE THE SYSTEM COLLECTS RAINWATER FROM GUTTERS, DOWNSPOUTS, LEADERS, ROOF DRAINAGE COMPONENTS, OR EXTERIOR RAINWATER CONVEYANCE PIPING AND STORES THE COLLECTED RAINWATER IN A RAINWATER STORAGE TANK FOR EXTERIOR LANDSCAPE IRRIGATION; PROVIDING THAT A QUALIFYING ON-GRADE RAINWATER STORAGE TANK NOT GREATER THAN 5,000 GALLONS AND WITH A HEIGHT-TO-DIAMETER OR WIDTH RATIO NOT GREATER THAN 2:1 DOES NOT, BY ITSELF, REQUIRE A CITY PERMIT; CLARIFYING THAT USE OF HARVESTED RAINWATER SOLELY FOR EXTERIOR LANDSCAPE IRRIGATION DOES NOT, BY ITSELF, REQUIRE A CITY PLUMBING PERMIT; PRESERVING PERMITTING AND INSPECTION REQUIREMENTS FOR SYSTEMS CONNECTED TO POTABLE WATER, PUBLIC WATER SUPPLIES, BUILDING PLUMBING, ELECTRICAL SYSTEMS, GRADING, DRAINAGE, STRUCTURAL WORK, SEPARATE OR ADDITIONAL IRRIGATION WORK, AND OTHER REGULATED WORK; REQUIRING COMMERCIAL DEVELOPMENT SERVED BY A PUBLIC WATER SUPPLY TO DOCUMENT CONTAINMENT BACKFLOW PROTECTION OR PUBLIC WATER SUPPLIER DETERMINATION; PRESERVING PUBLIC WATER SUPPLIER REQUIREMENTS; PROVIDING FOR FINDINGS OF FACT, ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Dripping Springs seeks to promote reasonable, sound, and safe construction and land-use practices within the City and its extraterritorial jurisdiction to the extent authorized by law; and

- WHEREAS,** Texas Local Government Code Section 51.001 authorizes the City to adopt ordinances and police regulations for the good government, peace, or order of the City and as necessary or proper for carrying out a power granted by law to the City; and
- WHEREAS,** the City has adopted technical and construction codes, including the International Plumbing Code as amended, to protect public health, safety, and welfare; and
- WHEREAS,** Chapter 24, Article 24.02, Division 5, Section 24.02.261 of the City Code adopts the International Plumbing Code as the Plumbing Code of the City; and
- WHEREAS,** Chapter 24, Article 24.02, Division 5, Section 24.02.262 of the City Code establishes local amendments to the City’s adopted Plumbing Code; and
- WHEREAS,** Chapter 13 of the City’s adopted International Plumbing Code regulates nonpotable water systems, and the City Council desires to adopt a local amendment to Chapter 13 addressing standalone irrigation-only rainwater harvesting systems; and
- WHEREAS,** the City Council recognizes that rainwater harvesting for landscape irrigation can conserve potable water resources and promote beneficial use of stormwater; and
- WHEREAS,** the City Council finds that truly standalone rainwater harvesting systems used solely for exterior landscape irrigation, with no connection to potable water, public water supplies, or building plumbing, present materially different regulatory concerns than systems connected to potable water, public water supplies, indoor plumbing fixtures, or building plumbing systems; and
- WHEREAS,** the City Council further finds that a rainwater storage tank used solely as part of a standalone irrigation-only rainwater harvesting system should not require a City permit merely because the tank stores harvested rainwater for exterior landscape irrigation, provided that the tank is supported directly on grade, has a capacity not greater than 5,000 gallons, has a height-to-diameter or width ratio not greater than 2:1, and no independent permit requirement applies; and
- WHEREAS,** the City Council intends to clarify that the use of harvested rainwater solely for exterior landscape irrigation does not, by itself, require a City plumbing permit, while preserving independently applicable state licensing requirements and City permit requirements for separate or additional landscape irrigation system work; and

WHEREAS, the City Council recognizes that state law and public water supplier requirements may apply to rainwater harvesting systems where necessary to protect a public water supply, including requirements related to backflow prevention, cross-connection control, customer-service inspections, air-gap separation, meter protection, public water supply backup, and service agreements under 30 Texas Administrative Code §§ 290.44(h), 290.44(j), and 290.46(j), and applicable public water supplier rules;

WHEREAS, the City Council intends to require commercial development served by a public water supply to document containment backflow protection at the public-water service entrance or meter, or a determination by the applicable public water supplier that no additional containment backflow protection is required, while leaving public water supplier notification and compliance for noncommercial systems to the property owner; and

WHEREAS, the City Council intends to use the local amendment mechanism in Section 24.02.262 to establish a narrow plumbing-permit exemption for qualifying standalone irrigation-only rainwater harvesting systems while preserving all independently applicable permitting, inspection, approval, and code-compliance requirements; and

WHEREAS, the City Council finds that this ordinance is necessary and proper to promote water conservation while protecting public health, safety, welfare, public infrastructure, adjacent properties, and public water supplies.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS:

1. Findings of Fact

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. Enactment

Chapter 24, Article 24.02, Division 5, Section 24.02.262, Local Amendments, of the City Code of Ordinances is hereby amended as shown in Attachment A, attached hereto and incorporated herein for all purposes.

3. Purpose and Intent of Local Amendment

The amendment adopted by this Ordinance is intended to operate as a local amendment to Chapter 13 of the City's adopted International Plumbing Code. The amendment establishes that a qualifying standalone irrigation-only rainwater harvesting system does not require a City plumbing permit solely because the system collects rainwater from gutters, downspouts, leaders, roof drainage components, or exterior rainwater conveyance piping and stores the collected rainwater in a rainwater storage tank for exterior landscape irrigation.

4. No Permit Triggered by Tank Alone

For avoidance of doubt, the City Council intends that a rainwater storage tank used solely as part of a qualifying standalone irrigation-only rainwater harvesting system and supported directly on grade shall not, by itself, trigger a City permit requirement merely because the tank stores harvested rainwater for exterior landscape irrigation, provided the tank capacity is not greater than 5,000 gallons and the ratio of height to diameter or width is not greater than 2:1. This provision does not exempt any foundation, platform, structural support, enclosure, anchoring system, electrical work, grading, drainage alteration, stormwater discharge, right-of-way work, floodplain work, public-water connection, building-plumbing connection, or other regulated work from any independently applicable permit, inspection, approval, or code-compliance requirement.

5. Repealer

All ordinances, resolutions, policies, or parts thereof that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict or inconsistency, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

6. Severability

Should any clause, sentence, paragraph, section, subsection, phrase, or part of this Ordinance be adjudged invalid, unconstitutional, or unenforceable by a court of competent jurisdiction or administrative agency with jurisdiction over the matter, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance, which shall remain in full force and effect.

7. Codification

The City Secretary is hereby directed to record and publish this Ordinance and to codify the amendments adopted herein in the City Code of Ordinances. The City Secretary and codifier are authorized to assign appropriate subsection numbers, cross-references, and formatting consistent with the City Code, provided that no substantive provision is changed.

8. Effective Date

This Ordinance shall take effect immediately upon passage and publication as required by law.

9. Proper Notice and Meeting

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Texas Government Code Chapter 551, and any other applicable law.

PASSED & APPROVED this, the ___ day of XXX, _____, by a vote of ___ (ayes) to _____ (nays) to _____ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

by: _____

Bill Foulds, Jr., Mayor

ATTEST:

Diana Boone, City Secretary

Chapter 24, Article 24.02, Division 5, Section 24.02.262, Local Amendments, is amended by adding a new subsection (m) adopting a local amendment to Chapter 13 of the International Plumbing Code to read as follows:

Sec. 24.02.262 Local Amendments

(m) Section 1303, Nonpotable Rainwater Collection and Distribution Systems; add Section 1303.17, Standalone Irrigation-Only Rainwater Harvesting Systems, to read as follows:

Section 1303.17 Standalone Irrigation-Only Rainwater Harvesting Systems

1303.17.1. Definitions.

For purposes of this section:

Commercial development means development, construction, or use other than one- or two-family residential use regulated under the International Residential Code.

Rainwater harvesting system means a system or assembly of components used to collect, convey, store, pump, distribute, or use rainwater collected from a roof or other approved collection surface.

Rainwater storage tank means a cistern, barrel, vessel, container, or tank used to store harvested rainwater.

Standalone irrigation-only rainwater harvesting system means a rainwater harvesting system that collects, conveys, stores, and distributes only harvested rainwater for exterior landscape irrigation or other exterior nonpotable irrigation use, and that is not directly or indirectly connected to, supplied by, backed up by, or integrated with any potable water system, public water supply, building plumbing system, indoor plumbing fixture, or potable use. The term does not include a system with a public water supply backup, potable water makeup line, automatic fill valve, hose bibb connection, bypass, or other connection through which potable water may enter, supplement, pressurize, or otherwise interact with the rainwater harvesting system. A property's separate domestic potable water service does not, by itself, disqualify a rainwater harvesting system from this definition, provided the rainwater harvesting system remains physically separate from that potable water service and from any public water supply.

Public water supply backup means any direct or indirect connection, automatic or manual makeup line, fill line, bypass, hose connection, valve, or other arrangement by which water from a public water supply may enter, refill, supplement, pressurize, or otherwise interact with a rainwater harvesting system.

Potable water connection means any direct or indirect connection to a potable water system, including a connection through a pipe, hose, valve, automatic fill device, bypass, pump, tank, plumbing fixture, irrigation system, or other appurtenance.

Regulated work means work that independently requires a permit, inspection, approval, or compliance review under this Article, another City ordinance, an adopted technical code, state law, or the requirements of an applicable public water supplier.

1303.17.2. Limited plumbing-permit exemption.

Notwithstanding any provision of the International Plumbing Code adopted by the City, a standalone irrigation-only rainwater harvesting system shall not require a City plumbing permit solely because the system collects rainwater from gutters, downspouts, leaders, roof drainage components, or exterior rainwater conveyance piping and stores the collected rainwater in a rainwater storage tank for exterior landscape irrigation, provided that the system satisfies the conditions in section 1303.17.4.

1303.17.3. No City permit required for qualifying rainwater storage tank alone.

A rainwater storage tank used solely as part of a standalone irrigation-only rainwater harvesting system and supported directly on grade shall not, by itself, require a City permit merely because the tank stores harvested rainwater for exterior landscape irrigation, provided the tank capacity is not greater than 5,000 gallons and the ratio of height to diameter or width is not greater than 2:1. This paragraph does not exempt any independently regulated work associated with the tank or system, including a foundation, platform, rack, structural support, enclosure, anchoring system, electrical work, grading, drainage alteration, stormwater discharge, floodplain work, right-of-way work, easement encroachment, public-water connection, building-plumbing connection, or other work requiring a permit, inspection, approval, or code-compliance review under applicable law.

1303.17.4. Conditions for exemption.

To qualify for the exemptions in sections 1303.17.2 and 1303.17.3, the system must satisfy all of the following conditions:

- (1) The system must be used solely for exterior landscape irrigation or other exterior nonpotable irrigation use.
- (2) The system must not be connected, directly or indirectly, to a potable water system or public water supply.
- (3) The system must not include a public water supply backup, potable water makeup line, automatic fill valve, bypass, hose-fed fill connection, or other potable water connection.
- (4) The system must not connect to, supply, or serve any indoor plumbing fixture, building plumbing, toilet, urinal, lavatory, sink, shower, hose bibb supplied by building plumbing, mechanical system, process water system, or potable use.

- (5) The system must not create an actual or potential cross-connection with a potable water system or public water supply.
- (6) The system must not require electrical work unless all required electrical permits and inspections are separately obtained.
- (7) The system must not involve grading, filling, excavation, drainage alteration, stormwater discharge, right-of-way work, easement encroachment, floodplain work, or other site work requiring a separate permit or approval unless such permit or approval is separately obtained.
- (8) The system must comply with applicable zoning, setback, easement, drainage, nuisance, property-maintenance, floodplain, and right-of-way requirements.
- (9) The system must be designed, installed, operated, and maintained so that overflow, discharge, leakage, or drainage does not create a nuisance, erosion condition, adverse drainage impact, mosquito or vector hazard, unsafe condition, or damage to adjacent property or public infrastructure.
- (10) The use of harvested rainwater solely for exterior landscape irrigation shall not, by itself, require a City plumbing permit. This section does not waive any independently applicable state licensing requirement or City permit requirement for separate or additional landscape irrigation system work that is not part of the exempt standalone irrigation-only rainwater harvesting system.
- (11) For commercial development served by a public water supply, the owner or installer must provide documentation that containment backflow protection at the public-water service entrance or meter has been installed, or that the applicable public water supplier has determined that no additional containment backflow protection is required.

1303.17.5. Systems not exempt.

The exemptions in sections 1303.17.2 and 1303.17.3 do not apply to any rainwater harvesting system that:

- (1) is connected, directly or indirectly, to a potable water system or public water supply;
- (2) includes a public water supply backup, potable water makeup line, automatic fill valve, bypass, hose-fed fill connection, or other potable water connection;
- (3) serves, supplies, or connects to building plumbing or indoor plumbing fixtures;
- (4) is used for potable purposes;
- (5) is used for indoor nonpotable purposes;
- (6) includes or creates an actual or potential cross-connection with a potable water system or public water supply;

- (7) is required by the applicable public water supplier to obtain backflow prevention, air-gap separation, customer-service inspection, cross-connection control, or other approval, and the owner or installer has not obtained or documented such required approval or protection;
- (8) is part of commercial development served by a public water supply and the owner or installer has not provided documentation that containment backflow protection at the public-water service entrance or meter has been installed, or that the applicable public water supplier has determined that no additional containment backflow protection is required;
- (9) includes a tank foundation, platform, rack, structural support, enclosure, retaining structure, anchoring system, or other appurtenant construction requiring a building permit, zoning approval, floodplain approval, or other City approval;
- (10) includes separate or additional landscape irrigation system work, electrical work, structural work, grading, drainage alteration, excavation, right-of-way work, floodplain work, or other regulated work for which a permit or approval is independently required and has not been separately obtained; or
- (11) is determined by the Building Official to present a public health, safety, drainage, structural, cross-connection, public water supply, or code-compliance concern requiring permit review under this Article, an adopted technical code, another City ordinance, state law, or public water supplier requirement.

1303.17.6. Public water supplier requirements preserved.

Nothing in this local amendment limits, waives, supersedes or constitutes a City determination of any requirement of a public water supplier, including requirements related to customer-service inspections, cross-connection control, backflow prevention, air-gap separation, meter protection, public water supply backup, or service agreements. Such requirements may include 30 Texas Administrative Code §§ 290.44(h), 290.44(j), and 290.46(j), and any applicable rules, tariffs, service agreements, specifications, or cross-connection control requirements of the public water supplier, including Dripping Springs Water Supply Corporation where it is the applicable public water supplier.

1303.17.7. State law, other adopted-code requirements, and noncommercial owner responsibility preserved.

Nothing in this local amendment exempts any person from compliance with applicable state law, adopted technical codes, public health requirements, plumbing licensing requirements, irrigation licensing requirements, electrical licensing requirements, backflow prevention requirements, cross-connection control requirements, or any other independently applicable requirement. For noncommercial standalone irrigation-only rainwater harvesting systems, the City does not require proof of notification to the public water supplier as a condition of the plumbing-permit exemption. The owner remains responsible for determining and complying with any applicable public water supplier notification, service agreement, customer-service inspection, cross-connection control, backflow prevention, meter-protection, or other public-water-supplier requirement.

1303.17.8. Later connection or modification prohibited without permit.

A person shall not connect, modify, convert, or operate an exempt standalone irrigation-only rainwater harvesting system in a manner that causes the system to no longer qualify for the exemptions in sections 1303.17.2 and 1303.17.3 unless all required permits, inspections, approvals, and public water supplier authorizations are obtained before the connection, modification, conversion, or operation occurs.

1303.17.9. Building Official authority.

The Building Official may require information reasonably necessary to determine whether a proposed or existing rainwater harvesting system qualifies for the exemptions in sections 1303.17.2 and 1303.17.3, including a site plan, schematic, tank information, overflow routing information, and owner certification. If the Building Official determines that a system does not qualify for the exemption, the Building Official may require all applicable permits, inspections, approvals, and corrective action. For noncommercial systems, any owner certification required by the Building Official shall not require proof of notification to the public water supplier as a condition of the plumbing-permit exemption.