



**It's real.**

**MEMORANDUM**

To: City of Seguin Mayor and Council  
From: Andy Quittner, City Attorney *AQ*  
Date: May 25, 2021  
Re: Ordinance Amending Building Code for the regulation of LP Gas

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On the rare occasion a home or business owner seeks to add LP Gas (propane) to their building for use by that residence or building. It would seem that such an addition would be subject to City permits and inspection; however, in the case of LP Gas that is not the case. The LP Gas industry has a very effective lobby which has worked with the Texas Legislature to totally pre-empt industry regulation in favor of the Texas Railroad Commission.

This has created a tension – particularly considering safety considerations – between municipalities and the LP Gas Industry. The present city scheme of building regulations, which includes the near wholesale adoption of international building codes, can be interpreted to allow the regulation of the LP Gas industry. This is particularly true since both the fire code and fuel gas code include regulation of LP Gas. Such regulation, however, is impermissible. On the rare occasions that LP gas installation comes up such an interpretation can lead to an attempt to regulate, which did happen during the construction of a house in the city limits.

This Ordinance will make clear that the City cannot regulate the LP Gas Industry and will depend on the Texas Railroad Commission to properly perform their duties.

In discussion with the Planning Department and Building Official all are in agreement that this Ordinance should be recommended.