

ORDINANCE NO. 2009-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, REPEALING THE CURRENT SECTIONS 3-3-31 AND 3-3-32 OF ARTICLE 3-3, "PLUMBING", DIVISION 2, "PLUMBING CODE", OF CHAPTER 3, "BUILDING REGULATIONS", OF THE CITY OF ODESSA CODE OF ORDINANCES; ADOPTING NEW SECTIONS 3-3-31 AND 3-3-32 OF ARTICLE 3-3, "PLUMBING", DIVISION 2, "PLUMBING CODE", OF CHAPTER 3, "BUILDING REGULATIONS"; ADOPTING AN AMENDED VERSION OF THE 2006 INTERNATIONAL PLUMBING CODE AND SUBSEQUENT 2006 INTERNATIONAL PLUMBING CODE SUPPLEMENTS IN ORDER TO REGULATE THE DESIGN AND INSTALLATION OF PLUMBING SYSTEMS, TOGETHER WITH CERTAIN RELATED MATTERS; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Odessa desires to adopt an amended version of the 2006 INTERNATIONAL PLUMBING CODE, 1st edition, 2006 INTERNATIONAL PLUMBING CODE Supplements, the same to replace the City's existing plumbing code as amended; and

WHEREAS, the City of Odessa desires that there be no interval or intervening time between the effective date of this ordinance and the date of repeal of existing ordinances, and that this ordinance will not in any way repeal such existing ordinances until after publication and this ordinance is legally in effect;

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

Section 1. That the current Sections 3-3-31 and 3-3-32 of Article 3-3, "Plumbing", Division 2, "Plumbing Code", of Chapter 3, "Building Regulations" of the City Code are to be repealed and that new Sections 3-3-31 and 3-3-32 of Article 3-3, "Plumbing", Division 2, "Plumbing Code", of Chapter 3, "Building Regulations", of the City Code are hereby adopted, which Sections shall read as follows:

Chapter 3 Building Regulations
Article 3-3 Plumbing

Division 1. Generally

Secs. 3-3-1 through 3-3-30 Reserved

Division 2. Plumbing Code

Sec. 3-3-31 Adoption

The 2006 version of the International Plumbing Code as amended by subsequent provisions of this chapter, is hereby adopted by the City. (Ordinance 95-04, sec. 1, adopted 1/10/95; Ordinance 98-09, sec. 1, adopted 1/27/98; Ordinance 2002-27, sec. 1, adopted 6/11/02; 1957 Code, sec. 4A-10)

Sec. 3-3-32 Amendments

The hereinafter set forth amendments to the 2006 International Plumbing Code are hereby adopted by the City. When an amendment consists of a revision of an existing article, section, subsection, table or other portion of the 2006 International Plumbing Code the language of such amendment, to the extent that it is not in conflict with this ordinance, shall supersede the language of the respective portion amended. Amendments to the 2006 International Plumbing Code consisting of the addition of new articles, sections, subsections, appendices, tables or other portions shall constitute supplements to such code.

Amend as follows:

103.1 Building Inspection Division. *Delete the paragraph as written and insert the following:* There is hereby established a division to be called the Building Inspection Division, and the executive official in charge thereof shall be known as the Building Official.

Add the following:

106.1.1 Persons who may obtain a plumbing permit.

(a) Plumbing work done by a property owner in a building owned and occupied by him as his homestead. However, a property owner is not allowed to perform plumbing work past the property line in the right-of-way except from the property line to a gas meter for a gas supply line and the water meter for a water supply line.

(b) Any plumbing contractor or his authorized agent once the contractor has completed registration with the City.

(c) Any agent of a plumber specifically named on a power of attorney.

(d) Any person, firm or corporation acting as agent for a licensed master plumber, who will under penalty of law certify and insure the named licensed plumber will perform the plumbing work. The City Inspection Division shall notify each licensed plumber on a monthly basis of each permit secured in their name.

(e) A licensed irrigation contractor, after completing registration with the City, may obtain a plumbing permit for the installation, repair or replacement of an irrigation system and/or backflow preventer.

(f) A maintenance man, after completing registration with the City, may obtain a plumbing permit for maintenance of existing plumbing systems. However, the maintenance man shall be limited to the performance of plumbing maintenance work incidental to and in connection with other duties. "Incidental to and in connection with" includes the repair, maintenance and replacement of existing potable water piping, existing sanitary waste and vent piping, existing plumbing fixtures and existing water heaters. "Incidental to and in connection with" does not include cutting into fuel gas plumbing systems or the installation of gas-fueled water heaters. An individual who erects, builds, or installs plumbing not already in existence may not be classified as a maintenance man or maintenance engineer. Plumbing work performed by a maintenance man or maintenance engineer is not exempt from state law and rules and ordinances of the City regarding plumbing codes, plumbing permits and plumbing inspections. Such individuals shall not engage in plumbing work for the general public and will be limited to obtaining plumbing permits for their place of employment only.

106.6 Amend the paragraph as follows:

106.6. Fees. A permit shall not be issued until the fees prescribed in the fee ordinance have been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the plumbing system has been paid.

Amend the paragraph as follows:

106.6.1. Work commencing before permit issued. Any person who commences any work on a plumbing system before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee and/or citations in addition to the required permit fees.

106.6.2 Fee schedule. *Insert the following:* See City fee ordinance.

106.6.3 Fee refunds. *Amend as follows:* Upon written request from the original permittee to which the permit was issued, detailing the reason(s) for the request and submitted within 180 days of the date the permit was issued, the Building Official shall authorize a refund of a permit fee as follows:

1. A partial refund may be requested when the permit holder has permanently terminated work prior to 50 percent completion of a project. The Building Official shall calculate the percent of work performed and shall refund no more than 80 percent of the permit fee of the remaining work to be performed. Permits charged a minimum permit fee shall not be refundable.

2. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended. Charges for the minimum plan review fee shall not be refundable.

Add the following:

106.7 Contractor's registration and regulations.

1. A person shall not engage in business as a plumbing contractor, nor establish, maintain or advertise a place of business under any name other than that registered with the Inspection Division, in accordance with this section.

2. Any person desiring to engage in the business of contracting shall make application for registration at the office of the Inspection Division. Upon filing of an application in proper form required by this chapter, the Building Official shall register the applicant as a contractor, provided he has qualified under the requirements of state or local ordinances.

3. A contractor's registration shall entitle the holder to secure permits and engage in the business of contracting for installation, replacement, alteration and/or repair in compliance with code requirements.

4. A plumbing contractor shall not engage in a contracting business within the City unless the business is qualified by a master plumber, approved and registered by the City.

5. The Building Official is authorized to withhold inspections from and the issuance of permits to, any contractor who fails to maintain the required bonds, insurance or approved master plumber.

6. Whenever the required registered master plumber leaves the employment of a person who is required by this code to employ a master plumber, a written notice shall be given immediately by both the employer and the master plumber to the Building Official and the Texas Board of Plumbing Examiners. Permit privileges of the employer shall, without further order or action, be suspended until the contractor registers a qualified master plumber.

7. A contractor shall provide a certificate of insurance for liability and property damage in the amount of one hundred thousand dollars (\$100,000.00).

8. The certificate of insurance must indicate the certificate holder as the City of Odessa, Building Inspection Division, PO Box 4398, Odessa, TX 79760.

New subsection:

106.8 Plumbing contractors required master plumber registration.

1. A person shall not engage in a contracting business within the City unless he is registered as a contractor.

2. A master plumber who qualifies a contracting business assumes responsibility for the business complying with the provisions of this code in its entirety.

3. A master plumber shall not register as the required master plumber for a contractor or permit his name to be used unless he:

(a) Actively supervises and is responsible for the permit-required operation of the business;

(b) Is authorized to require the correction of defects, errors, and deficiencies in the permitted work according to code requirements of work installed or performed.

4. Whenever a required registered master plumber leaves the employment of a person who is required by this code to employ a master plumber, he shall immediately notify the Building Official.

5. The registered master plumber must immediately notify the Building Inspection Division of any change of address for himself or the plumbing company for which he is the registered master plumber.

108.5 Stop work order. *Amend the last sentence to read as follows:* Any person who shall continue any work in or about the structure or property after having been served with stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of up to two-thousand dollars (\$2,000.00).

Add the new subsection:

108.8 Violations and penalties. Any person who violates a provision of this code, or fails to comply with any of the requirements thereof, or who erects, installs, alters or repairs plumbing work in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000.00). Each day that violation continues shall be deemed a separate offense.

Add new subsection:

108.9 Unlawful continuance. Any person who continues any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000.00). Each day that a violation continues shall be deemed a separate offense.

Amend to add the following:

109.1 Application for appeal. Upon payment of the appropriate filing fee, a person shall have the right to appeal a decision of the Building Official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the Building Official within twenty (20) days after the notice was served. The board shall have no authority to waive requirements of the code.

109.2 Membership of board. *Delete as written and amend as follows:*

109.2 Membership of board. The Building Board of Appeals is hereby created, in order to hear and decide appeals or orders, decisions or determinations made by the Building Official relative to the application and interpretation of the building code; the one- and two family dwelling code; the plumbing code; the fuel and gas code; the mechanical code; the electrical code; the energy conservation code; the Existing building code; the performance code; or the property maintenance code. The Building Official shall be an ex officio member of said board but shall have no vote on any matter before the board. *See building code amendments.*

109.2.1 Qualifications. *Delete as written and amend as follows:* See building code amendments.

109.2.2 Alternate members. *Delete as written and amend as follows:* See building code amendments.

109.2.3 Chairman. *Delete as written and amend as follows:* See building code amendments.

109.2.4 Disqualification of member. *Delete as written and amend as follows:* See building code amendments.

109.2.5 Secretary. *Delete as written and amend as follows:* See building code amendments.

109.2.6 Compensation of member. *Delete this section.*

109.3 Notice of meeting. *Delete as written and amend as follows:* See building code amendments.

109.4 Open hearing. *Delete as written and amend as follows:* See building code amendments.

109.5 Postponed hearing. *Delete as written and amend as follows:* See building code amendments.

109.6 Board decision. *Delete as written and amend as follows:* See building code amendments.

109.6.1 Resolution. *Delete as written and amend as follows:* See building code amendments.

109.6.2 Administration. *Delete as written and amend as follows:* See building code amendments.

109.7 Court review. *Delete as written and amend as follows:* See building code amendments.

Add the following:

110. Requirements for drilling water wells; permits, bond required. Water well contractors shall be required to secure a permit from the Inspection Division of the City prior to any construction or installation of a water well on any private property in the City. The application for such permit shall contain the name and address of the owner of the property; the legal description of the property; the name, address and telephone number of the contractor for such water well; and whether or not the property in question is served by the City water system.

All such water wells shall be inspected by the Inspection Division for cross-connections with City water mains before a final clearance certificate is issued. Such certificate shall state that the construction and installation of said well has been performed in accordance with the City plumbing and electrical ordinances. No such water well shall be located within fifteen (15) feet of an alley or street, a minimum of five (5) feet to any common property line, and a minimum of fifteen (15) feet from any sewer lateral. A private well shall be cased to their full depth. The top of the well casing shall be a minimum of twelve (12) inches above finish grade or a minimum of twelve (12) inches above the 100-year flood level established by City ordinance, whichever is greater.

Water well drilling contractors shall be required to furnish the City an indemnity bond in the sum of two thousand dollars (\$2,000.00) prior to the issuance of any permit under this section, such bond to protect the City from any loss or damage as a result of the installation of such water well and to secure the payment of any cost which may be incurred by the City due to mud, debris or other refuse which might be left on the property upon which the well is located and upon any adjacent City alley or easement.

The water well contractor must obtain a City inspection of the well installation within five (5) days of the completion of their work on the installation.

Add the following:

111. Public systems available. A public water supply system or public sewer system shall be deemed available to premises used for human occupancy if such premises are within three hundred (300) feet, measured along a street, alley, or easement, of the public water supply or sewer system, and a connection conforming with the standards set forth in this code may be made thereto.

Add the following:

202 General definitions.

Maintenance man . An employee, as opposed to an independent contractor, who is registered with the Building Official to perform plumbing maintenance work incidental to and in connection with other duties. "Incidental to and in connection with" includes the repair, maintenance and replacement of existing potable water piping, existing sanitary waste and vent piping, existing plumbing fixtures and existing water heaters. "Incidental to and in connection with" does not include cutting into fuel gas plumbing systems or the installation of gas-fueled water heaters. An individual who erects, builds, or installs plumbing not already in existence may not be classified

as a maintenance man or maintenance engineer. Plumbing work performed by a maintenance man is not exempt from state law and rules and ordinances for the City regarding plumbing codes, plumbing permits and plumbing inspections. Such individuals shall not engage in plumbing work for the general public and will be limited to obtaining plumbing permits for their place of employment only.

Add amendment as follows:

301.3.1 Tapping of sewer main by City employees only.

1. All persons are prohibited from tapping any City sewer main except City employees acting under the supervision of the Director of Utilities, and any violation of this provision shall be a Class "C" misdemeanor.
2. Easement provisions: No private building sewer service may cross another parcel of land or property line unless an easement is granted to the property owners involved and acceptable proof of the establishment of the easement is presented to the City engineering division.
3. Maintenance or repair of existing sewer laterals in public right-of-way must conform to the current right-of-way construction ordinance of the City ([article 3-15](#), division 3, of the Code of Ordinances) and other applicable City ordinances.

Add the following:

301.4.1 Tapping of water main by City employees only.

1. All persons are prohibited from tapping any City water main except City employees acting under the supervision of the Director of Utilities, and any violation of this provision shall be a Class "C" misdemeanor.
2. Easement provisions: No private building water service may cross another parcel of land or property line unless an easement is granted to the property owners involved and acceptable proof of the establishment of the easement is presented to the City engineering division.
3. Maintenance or repair of existing water service lines or water distribution lines in public right-of-way must conform to the current right-of-way construction ordinance of the City ([article 3-15](#), division 3, of the Code of Ordinances) and other applicable City ordinances. Replacement water service lines must be installed from the water meter location to and into the property line by the shortest distance possible.

Add the following:

301.4.1.1 Replacement water service lines must be installed from the water meter location to and into the property line by the shortest distance possible.

Add the following:

301.7 Maintenance of sewer and sewer tap in right-of-way.

Maintenance or repair of existing sewer laterals in public right-of-way must conform to the current right-of-way construction ordinance of the City ([article 3-15](#), division 3, of the Code of Ordinances) and other applicable City ordinances. Property owners shall be responsible for maintaining all sewer facilities from the City main to the point of use, including all facilities that lie in the public right-of-way and utility easements. However, property owners are not allowed to perform plumbing work past the property line in the right-of-way.

Add the following:

305.6.1 Sewer depth. Amend to insert the following:

Building sewers that connect to private sewage disposal systems shall be a minimum of twelve (12) inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of six (6) inches below grade.

Add the following:

306.5 Trench safety. On construction projects in which trench excavation will exceed a depth of five (5) feet, the contractor or person responsible shall be required to furnish the City detailed plans and specifications for trench safety systems that meet Occupational Safety and Health Administration standards.

Add the following:

504.4 Relief valve. Add the following to the end of the section:

Exception:

If no other possible way to go outside, the discharge from the relief valve may be piped upward through the attic. However, the discharge lines may not create a trap or reservoir where water may accumulate.

Add the following:

504.7. 3 Floor underneath water heater. In lieu of a drain pan as required by the Plumbing Code, the floor beneath water heaters shall be repressed a minimum of two (2) inches or a shower type base installed with a drain to the outside of the structure terminating a minimum of 3 inches above the finish grade.

Add as follows:

703.6 Minimum size sewer. A minimum four-inch building sewer shall be required on all new installations or replacement of residential sewers.

Add as follows:

708.11 Sample portal. A four-inch minimum sewer sampling portal outlet shall be provided at an accessible point downstream from all retail, commercial or industrial facilities or as requested by the City for additional traps, interceptors or separators required for pretreatment. Sample portals shall be installed as per the City details which shall be furnished by the Building Official.

All sampling outlets shall be located in an area allowing sampling to be done in a safe manner and free from traffic or other hazards. Sample portals subject to damage shall be brass and threaded caps, lids and plugs.

Add the following:

903.6 Vent stack cleanouts. In every building with a vent stack inside the exterior wall, a cleanout accessible from the outside shall be provided.

Add the following:

904.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least twelve (12) inches (304 mm) above the roof, except where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven (7) feet (2134 mm) above the roof.

Section 2. That the herein adopted amended version of the 2006 INTERNATIONAL PLUMBING CODE shall be in full force and effect 30 days after its adoption. On the date that the said amended version of the 2006 INTERNATIONAL PLUMBING CODE is in full force and effect, then Ordinance No. 2002-27 as amended and such other and further existing ordinances as are inconsistent and incompatible with any provisions of the herein adopted amended version of the 2006 INTERNATIONAL PLUMBING CODE shall be wholly repealed. In addition, nothing in this ordinance shall be construed to invalidate or cause to be void any of those provisions of the 2006 INTERNATIONAL PLUMBING CODE that are not amended in this ordinance. Provided, further, that notwithstanding any of the foregoing, all buildings, structures, work, etc. for which a permit has been issued and/or work legally begun prior to the date the said amended version of the 2006 INTERNATIONAL PLUMBING CODE is in full force and effect shall continue to be constructed, repaired, altered, moved, etc., under the provisions of the presently existing codes of the City of Odessa.

Section 3. That nothing contained in this ordinance shall in any manner whatsoever change, alter or otherwise affect the commission of or punishment for any offense, crime or act committed or done prior hereto, or any penalty or forfeiture incurred, or any prosecution whatsoever, or any suit or other proceedings pending, or any judgment rendered on or before the passage and publication of this ordinance, nor shall anything herein change, alter or otherwise affect any cause or action, contract or right established or accruing to the City or to any person, association or corporation, or any contract or obligation by or in favor of the City before same.

Section 4. If any section, subsection, sentence, clause or phrase herein is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of same shall not be affected thereby, it being the intent of the City Council in passing and adopting this ordinance that no portion hereof or provisions or regulations contained herein, shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, portion, provision or regulation.

Section 5. That any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$2,000.00 as provided in Section 1-1-9, "General Penalty, continuing violations, right of entry, enforcement officers" Chapter 1, Odessa City Code, which section is adopted by reference and made a part hereof. Each day any such violation shall continue shall constitute a separate offense.

Section 6. The City Secretary is hereby directed to effect such publication as may be required by law in connection with the passage of this ordinance.

The foregoing ordinance was first approved on the 11th day of August, A.D., 2009, by the following vote:

Bill Cleaver	AYE
James B. Goates	AYE
Royce Bodiford	AYE
Dean Combs	AYE
Benjamin Velasquez	AYE

The foregoing ordinance was adopted on second and final approval on the 25th day of August, A.D., 2009, by the following vote:

Bill Cleaver	AYE
James B. Goates	AYE
Royce Bodiford	AYE
Dean Combs	AYE
Benjamin Velasquez	AYE

Approved this the 25th day of August, A.D., 2009.

Larry L. Melton, Mayor

ATTEST:

Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

Larry Long, City Attorney