ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS; REPEALING SECTIONS 3-3-31 ENTITLED "ADOPTION" AND 3-3-32 ENTITLED "AMENDMENTS" 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 ENTITLED "ADOPTION" AND 3-3-32 ENTITLED "AMENDMENTS" OF ARTICLE 3-3, "PLUMBING", DIVISION 2, "PLUMBING CODE", OF CHAPTER 3, "BUILDING REGULATIONS", OF THE CITY OF ODESSA CODE OF ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

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

Section 1. That Section 3-3-31 entitled "Adoption" shall be repealed and replaced as follows:

Sec. 3-3-31 Adoption

The 2012 International Plumbing Code, as amended by subsequent provisions of this chapter and the 2012 International Plumbing Code Supplements, is hereby adopted by the City.

Section 2. That Section 3-3-32 entitled "Amendments" shall be repealed and replaced as follows:

Sec. 3-3-32 Amendments

The hereinafter set forth amendments to the 2012 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 2012 International Plumbing Code the language of such amendment shall supersede the language of the respective portion amended. Amendments to the 2012 International Plumbing Code consisting of the addition of new articles, sections, subsections, appendices, tables or other portions shall constitute supplements to such code.

CHAPTER 1. SCOPE AND ADMINISTRATION

SECTION 103. DEPARTMENT OF PLUMBING INSPECTION

Delete the paragraph as written and insert the following:

[A]103.1 Building Inspection Division.

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.

SECTION 106. PERMITS

Amend to add the following subsection:

[A]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 into the right-of-way of the street or alley 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 or modification of 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, state rules and local City ordinances 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.

Amend to read as follows:

[A]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.

[A]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.

Delete the following paragraphs as written, insert the following:

[A]106.6.2 Fee schedule.

See the City ordinance on permit fees.

[A]106.6.3 Fee refunds.

See the City ordinance on permit fees.

Amend to add the following subsections:

[A]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 Building 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.

[A]106.8 Plumbing contractors require 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 plumbing company 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.

[A]106.9 Display of License and Company Name

As per Section 367.4. of the Texas State Board of Plumbing Examiners Law and Administrative Rules:

(a) Responsible Master Plumbers shall display the frameable certificate license in their place of business in a conspicuous location and all licensees and registrants shall carry the pocket card license with them while engaged in work.

(b) Each Responsible Master Plumber shall display permanently his or her Master Plumber License number and company name on both sides of all service vehicles used in conjunction with plumbing contracting by the Responsible Master Plumber.

(1) For the purposes of this rule a magnetic sign on a vehicle is not a permanent sign.

(2) The letters and numbers shall be not less than two (2) inches high and shall be in a color sufficiently different from the body of the vehicle so that the letters and numbers shall be plainly legible at a distance of not less than one hundred (100) feet.

SECTION 108. VIOLATIONS

Amend to read as follows:

[A]108.4 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.

Amend the last sentence to read as follows:

[A]108.5 Stop work order.

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). Each day that a violation continues shall be deemed a separate offense.

SECTION 109. MEANS OF APPEAL

Delete this section as written and insert the following:

[A]109.1. General

The Board of Appeals as noted in the International Building Code amendments as adopted by the City of Odessa shall be the ruling board for this code.

Amend to add the following subsection:

SECTION 110. TEMPORARY EQUIPMENT, SYSTEMS AND USES

110.5 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.

Amend to add the following section:

SECTION 111. PUBLIC SYSTEM AVAILABILITY

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.

CHAPTER 2. DEFINITIONS

Amend to add the following definition:

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.

CHAPTER 3. GENERAL REGULATIONS

SECTION 301. GENERAL

Amend to add the following subsections:

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 or approved contractors 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 a legal easement has been established and recorded as official record with the Ector County Clerk's office in which access is granted to allow access across the neighboring property. Copies of the recorded easement presented to the building official and the City Engineer to be placed in the records for the property.

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.

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.

301.4.2 Installation or replacement or repair of water service lines.

The replacement or repair of service lines crossing the property line to the water meter location must be the shortest distance from the property line to the water meter.

301.8 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.

SECTION 306. TRENCHING, EXCAVATING AND BACKFILL

Amend to add the following subsection:

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.

CHAPTER 5. WATER HEATERS

SECTION 504. SAFETY DEVICES

Amend to add the following to the end of the section:

504.4.1 Installation.

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

CHAPTER 7. SANITARY DRAINAGE

SECTION 703. BUILDING SEWER

Amend to add the following subsection:

703.6 Minimum size building sewer.

The minimum size of the building sewer shall be as prescribed in the plumbing code. However, an existing building sewer shall not be reduced in size at any point downstream of the building drain.

SECTION 708. CLEANOUTS

Amend to add the following subsection:

708.10 Sample portals.

A four-inch minimum sewer sampling portal outlet shall be provided at an accessible point downstream from each retail, commercial, or industrial facility 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 sample portals 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.

CHAPTER 9. VENTS

SECTION 903. VENT TERMINALS

Amend to read as follows:

903.1 Roof extensions.

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.

Amend to add the following subsection:

903.8 Stack vent and vent stack cleanouts.

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

Section 3. That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the City as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. 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 two thousand dollars ($2.000.00) as provided in Section 1-1-9, “General Penalty”, Odessa City Code, which section is adopted by reference and made a part hereof

Section 5. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 6. That the caption and penalty clause of this ordinance shall be published in The Odessa American, a newspaper of general circulation in the city of Odessa,

in compliance with the provisions of Article 1176b-1, T.R.C.S.

Section 7. That this ordinance shall go into effect thirty (30) days after adoption on second approval.

The foregoing ordinance was first approved on the 13th day of December, A.D., 2016, by the following vote:

Malcolm Hamilton	_____
Dewey Bryant	_____
Barbara Graff	_____
Michael Gardner	_____
Filiberto Gonzales	_____

The foregoing ordinance was adopted on second and final approval on the 10th day of January, A.D., 2017, by the following vote:

Malcolm Hamilton	_____
Dewey Bryant	_____
Barbara Graff	_____
Michael Gardner	_____
Filiberto Gonzales	_____

Approved this the 10th day of January, A.D., 2017.

_____

David R. Turner, Mayor

ATTEST:

_____

Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

_____

Larry Long, City Attorney