

ORDINANCE #05-288

AN ORDINANCE OF THE CITY OF MASON, TEXAS ADOPTING CODE AND PERMIT REQUIREMENTS FOR PLUMBING WORK WITHIN THE CORPORATE LIMITS OF THE CITY AND AREAS SERVED BY THE CITY OF MASON WATER AND WASTEWATER UTILITIES; ADOPTING LICENSING REQUIREMENTS FOR PLUMBERS WORKING WITHIN THE CORPORATE LIMITS OF THE CITY AND AREAS SERVED BY THE CITY OF MASON WATER AND WASTEWATER UTILITIES; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE; PROVIDING FOR PENALTIES NOT TO EXCEED \$1,000.00 FOR THE VIOLATION OF THIS ORDINANCE; ESTABLISHING PROCEDURES FOR PROVIDING WATER AND WASTEWATER SERVICE TO THE SYSTEM'S CUSTOMERS. ESTABLISHING MISCELLANEOUS PROVISIONS OF THIS ORDINANCE; AND REPEALING ORDINANCE #03-270.

WHEREAS, from time to time it becomes necessary to make certain changes in the City's Ordinance relating to the above matters; and

WHEREAS, the adoption of certain code, permitting, inspecting, licensing and construction requirements is in the interest of the health, safety and welfare of the citizens of the City of Mason, Texas.

***NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MASON,
TEXAS,***

SECTION 1 (of 15)

TITLE, PURPOSE AND DISCLAIMER

1.1 TITLE

This Ordinance shall be known as the City of Mason Plumbing Ordinance and may be cited as such.

1.2 PURPOSE

Through a system of licenses, permits and inspections to promote public safety by requiring that plumbing work within the corporate limits of the City of Mason (hereafter referred to as the City), or within areas served by the City's Water/Wastewater Utility, be installed according to the standards set by the edition of the International Plumbing Code currently adopted by the State of Texas. And, to establish procedures for providing water and wastewater service to the system's customers.

1.3 DISCLAIMER

1.3.1 In the event the City is unable to supply water or wastewater service to the patrons of the City within or without the City, or to the municipality for the prevention or suppression of fire, the City will in no manner be liable for damages by reason of any such failure to any patron of the water or sewer system, or to any person or persons whose property may have been destroyed by fire, or otherwise damaged. It is also expressly agreed and must be understood that the City reserves the right at any time to shut off the water in the mains for the purpose of repairing the same, making connections or extensions to the same, and for the purpose of cleaning same, and in so doing the City shall not be liable in any manner for damages.

1.3.2 This ordinance shall not be construed to relieve or lessen the responsibility or liability of any person performing plumbing work and/or providing any materials used thereof for any damages to persons or property caused by any defect or deficiency in such plumbing work. Further, this ordinance shall not be construed as a warranty by the City of any plumbing work performed by any person who has been issued a permit by the City.

SECTION 2 (of 15)

DEFINITION

2.1 WATER SYSTEM

2.1.1 The water system of the City of Mason, Texas, consists of main and lateral conduits of pipe, with necessary accessories up to and including water meters. The infrastructure is designed to carry fresh water to each customer in minimum volumes and pressures as designated by statute.

2.1.2 In the sale of water by the City of Mason, Texas to any person, firm or corporation, within and without the City limits of the City of Mason, Texas, and in the supply of water for municipal use for the protection of property against fires, the City of Mason, Texas, does not obligate itself to provide, in any special or specified amount, but only undertakes to furnish such water and the amount of water that may be supplied from the wells of the City, or such other sources as the City may select, and in an amount within the capacity of the City's pumping plants.

2.3 WASTEWATER SYSTEM

The wastewater system of the City of Mason, Texas, consists of main and lateral conduits of pipe, with necessary accessories, and is known herein as sanitary sewers. They are designed to carry off all liquid waste. The sewers in the alleys or streets adjacent to the various lots are called main or lateral sewers. The sewers leading from the main or lateral sewers to the property on either side are called building sewers.

SECTION 3 (of 15)

PERMITS

3.1 REQUIREMENT

No person shall perform plumbing work within the corporate limits of the City, or in areas

served by the City's Water/Wastewater Utility, until such person has secured a plumbing permit from the City in accordance with section 3.2 and other applicable provisions of this ordinance.

3.2 ISSUANCE

A plumbing permit shall only be issued in the name of a person who is:

- 3.2a A Master Plumber, currently licensed by the State Board of Plumbing Examiners.
- 3.2b A homeowner who shall perform all of the plumbing work on property owned and occupied by such person as his homestead.
- 3.2c A maintenance worker if:
 - 3.2c.1 the work is performed by a person regularly employed as a maintenance person at the building or premises;
 - 3.2c.2 the work is performed in conjunction with the business in which the person is employed;
 - 3.2c.3 the person does not engage in plumbing work for the public; and
 - 3.2c.4 the work is limited to maintenance activities and does not include the installation of additional piping or equipment.
- 3.2d A worker employed within the City's Water/Wastewater Department, performing work on City owned systems and facilities.

SECTION 4 (of 15)

ADMINISTRATION AND ENFORCEMENT

4.1 BUILDING OFFICIAL DUTIES

The City shall designate one of its employees as the "building official" whose duties shall be:

- 4.1a To enforce the provisions of this ordinance and all other applicable ordinances of the City;

- 4.1b To ensure that all individuals doing work as plumbers are properly licensed by the Texas Board of Plumbing Examiners and maintain updated records of those licenses;
- 4.1c To issue permits;
- 4.1d To coordinate inspections;
- 4.1e To keep complete and detailed records of all official actions pertaining to this ordinance;
- 4.1f When justified, to file complaints against license holders with the State Board of Plumbing Examiners.
- 4.1g To undertake such other responsibilities as authorized under other ordinances of the City.

4.2 PLUMBING INSPECTOR QUALIFICATIONS AND DUTIES

The City shall designate one of its employees, or shall contract with a private individual to serve as the "plumbing inspector" who:

- 4.2a Shall be licensed by the State Board of Plumbing Examiners.
- 4.2b Shall insure all plumbing installations are done in accordance with the laws of the State of Texas, any adopted codes and the provisions of this ordinance.
- 4.2c May designate a qualified assistant to work directly under his supervision.
- 4.3d May file a complaint against unlawful plumbing with the local jurisdiction.

4.3 INSPECTIONS

- 4.3a The Plumbing Inspector and/or his assistant shall have the right and privilege to enter any building within reasonable hours, in the City, for the purpose of making inspections of the plumbing systems constructed or under construction in such building. Except in situations creating a potential of immediate danger to the safety of the water and/or wastewater systems, the City shall make reasonable efforts to notify property owners prior to making such inspections. Inspections without prior notice shall be authorized only by the Mayor or the City

Administrator.

- 4.3b Where applicable the following inspections shall be made of plumbing installations:
 - 3.3b.1 In a slab prior to the slab being poured.
 - 3.3b.2 In a ditch prior to the ditch being covered.
 - 3.3b.3 In walls and ceilings before they are covered.
 - 3.3b.4 At the completion of a project.
- 4.3c The permit holder, or an authorized agent, shall notify the inspector when an inspection is needed.
- 4.3d Newly constructed structures, or structures vacated to allow for a substantial remodel, shall not be occupied, or reoccupied, until a final inspection is performed approving the plumbing installation.

SECTION 5 (of 15)

LICENSING REQUIREMENTS FOR PLUMBERS

- 5.1** It shall be unlawful for any person who does not have a current plumber's license issued by the State Board of Plumbing Examiners to engage in plumbing work within the City limits, or in areas served by the City's Water/Wastewater Utility, with the following exceptions:
 - 5.1a plumbing work permitted under sections 3.2b; 3.2c and 3.2d of this ordinance.
 - 5.1b the servicing or installation of appliances connected to existing openings with a code-approved appliance connector if the person performing the works is an appliance dealer or an employee of an appliance dealer; or
 - 5.1c water treatment installations, exchanges, services, or repairs.
 - 5.1d if the person holds a:
 - 5.1d.1 certificate of registration as an irrigator issued under Title 8 Chapter 1903 of the State Occupations Code; or
 - 5.1d.2 license as a water well pump installer issued under Title 8 Chapter 1902 of

the State Occupations Code.

- 5.2** Prior to engaging in plumbing work within the corporate City limits, or in areas served by the City's Water/Wastewater Utility, all plumbers shall present a copy of their current license as issued by the State Plumbing Board of Examiners to the City Building Official.

SECTION 6 (of 15)

CODE ADOPTED

6.1 The latest edition of the International Plumbing Code adopted by the State Board of Plumbing Examiners (a copy of which shall be available for review at City Hall) is hereby adopted and incorporated by reference as though it was copied herein fully.

6.2 The use of pipes and pipe fillings containing more than 0.25% lead is prohibited for installation or repair of any plumbing except where used exclusively for nonpotable services, where water is not anticipated to be used for human consumption or as exempted in the lead ban contained in Texas Administrative Code Title 30, Rule 290.44(b).

SECTION 7 (of 15)

PROVIDING WATER/WASTEWATER SERVICE

7.1 SERVICE AREA

7.1a Where requested, the City shall provide water/wastewater service to customers within the City limits according to the provisions of this ordinance.

7.1b Outside the City limits, the City (upon customer request for regular monthly water utility service to a location outside the City limits) may elect to provide water/wastewater service if the staff determines such action is warranted after an analysis of:

- 7.1b.1 future impact on the water/wastewater system infrastructure, and
- 7.1b.2 anticipated use at the proposed location, and
- 7.1b.3 volume availability at the proposed location, and
- 7.1b.4 anticipated average water pressure at the proposed location, and
- 7.1b.5 impact upon compliance with TCEQ regulations, and
- 7.1b.6 potential City cost implications.

7.2 APPLICATION FOR SERVICE

Prior to beginning construction, an application for new or upgraded water/wastewater service shall be submitted to the Building Official. The anticipated service needs shall be included in the application. Upon reviewing the application and assessing any construction requirements, a proposal for providing water/wastewater service, including any construction fees and the anticipated schedule for providing said service, will be submitted to the applicant.

7.3 UTILITY EASEMENT

Where an easement is required for new construction, the customer shall provide a duly executed and recorded easement agreement containing a legal description of the easement to the City. If the location of the easement cannot be readily determined, the customer shall engage a surveyor to provide ground markings and a plat to accompany the easement agreement.

7.4 SERVICE COMPONENTS

- 7.4a All necessary mains, lines, fire hydrants, gate valves and all other necessary fittings shall be furnished by the City, and installed by or under the direction of the City Water/Wastewater Supervisor, up to the property line where a customer is within the City limits and up to the City limit line where a customer is without the City limits.
- 7.4b All line sizing up to the customer's property line, or up to the City limit line, to be determined by the City.

- 7.4c All necessary lines and fittings located on the customer's private property are to be furnished by the customer, at their cost.
- 7.4d The customer shall obtain a water meter and a sewer tap at prices set by the Fee Schedule Ordinance as adopted by the City Commission.
- 7.4e Backflow preventers may be required at the discretion of the wastewater supervisor and/or the inspector.

7.5 TAPS

Water and wastewater taps shall be made only by qualified City personnel or by authorized licensed plumbers.

7.6 SERVICE CONNECTION

Service shall be provided according to the rates, terms and conditions set forth in the City's current utility rate schedule.

SECTION 8 (of 15)

GREASE AND SAND INTERCEPTOR MAINTENANCE AND INSPECTION

- 8.1 Waste from grease and sand interceptors shall be emptied quarterly, unless the City determines a different frequency of service would be more appropriate for a particular installation, by someone authorized by the State of Texas to transport the waste.
- 8.2 An employee of the City's Wastewater Department shall make quarterly inspections of all grease and sand interceptors, unless the City determines a different frequency of inspection would be more appropriate for a particular installation.

SECTION 9 (of 15)

LICENSE, PERMIT, INSPECTION, TAP, METERING AND CONSTRUCTION FEES

All fees concerning the licenses, permits, inspections, taps, metering equipment and utility construction required under this ordinance are contained in the Fee Schedule Ordinance as adopted by the City Commission.

SECTION 10 (of 15)

UNAUTHORIZED DISCHARGE

10.1 PROHIBITION

No person, firm or corporation shall injure, break, or remove any section of any manhole, lamp hole, flush tank, catch basin, or any part of the wastewater system, or throw or deposit or cause to be thrown or deposited in any sewer openings or receptacle connecting with the sewer system, any garbage, offal, dead animals, vegetables, parings, ashes, cinders, rags, or other matter or thing whatsoever, except feces, urine and the necessary waste toilet paper, liquid, house and mill slops.

10.2 PREVENTION

The City, acting through the plumbing Inspector or other authorized officers, shall have the power to stop and prevent from discharging into the sewer system any private sewer or drain through which substances are discharged which are liable to injure the sewers or obstruct the flow of the sewerage, or interfere with the operation of the disposal plant.

SECTION 11 (of 15)

WASTEWATER HOOKUP REQUIRED

Every owner of a building or part thereof occupied by people for any purpose, any part of the day or night, situated on any block in the City, shall be connected to said public wastewater system unless the City permits the installation of a private on site sewage facility (OSSF). The Building Official may permit such an installation, if in his judgment the following criteria are met:

11.1 Property in question meets ALL State requirements for an on site sewage facility.

- 11.2** Mason County OSSF inspector gives written approval prior to installation.
- 11.3** Property line is more than 150 feet from a functioning City wastewater line.
- 11.4** The extension of the City's wastewater system is cost prohibitive.

SECTION 12 (of 15)

CROSS CONNECTION

No open gutter, cesspool or privy vault shall be connected with any sewer or drain. Cross connection between piping receiving water from city water mains and piping receiving water from any other source or storage is positively forbidden, and the City reserves the right when it discovers the existence of any such cross connection to immediately and without further notice disconnect the service connection and piping to the City mains.

SECTION 13 (of 15)

LIFT STATIONS AND BOOSTER PUMPS

- 13.1** Should the Wastewater Supervisor determine that a lift station is required, it shall be the customer's responsibility to furnish, install and maintain the lift station and the attendant plumbing and electrical wiring in accordance with the provisions of the pertinent City ordinances.
- 13.2** Should the Water Supervisor determine that a booster pump is required to insure adequate pressure to a customer, it shall be the customer's responsibility to furnish, install and maintain the booster pump and the attendant plumbing and electrical wiring in accordance with the pertinent City ordinances.

SECTION 14 (of 15)

MISCELLANEOUS PROVISIONS

14.1 ORDINANCES IN CONFLICT

Ordinance 03-270 is hereby repealed and all other ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

14.2 SEVERABILITY

If any portion of this ordinance shall be declared unconstitutional or in violation of the general laws of the State of Texas, such declaration shall not affect the remainder of this ordinance which shall remain in full force and effect.

14.3 VIOLATION

In the event any person performs plumbing work in such a manner that it: (a) causes damage to any portion of the existing City water or wastewater system that must be repaired by City employees; (b) results in the City employees having to redo the work in order to bring it in compliance with this Ordinance, then such person and/or that person's employer shall reimburse the City for City employee's time and use of City equipment at the rates set out in the rate and fee schedule, and shall also reimburse the City cost of materials. An example of work that will make a person liable for reimbursement to the City is making a connection to a dead or wrong water or wastewater line; or (c) It shall be a specific violation for any person to adjust, change, remove or reconnect any meter or valve so as to provide utility service to a location or address where the City has previously disconnected service, where there has not been an active previous connection, or to avoid accurate utility billing for service provided. Any time that service is connected or changed without specific activity of the City of Mason shall be considered an action of theft or services and shall be a violation of this Ordinance and shall be subject to the maximum penalty provided.

14.4 PENALTIES

Every person, firm or corporation who shall fail or refuse to comply with, or who violates any of the provisions of the ordinance shall be deemed guilty of a misdemeanor offense and upon conviction shall be fined in any sum of not more than \$1000.00 for each offense, and each day such violation shall exist shall constitute a separate offense.

SECTION 15 (of 15)


EFFECTIVE DATE

PASSED and APPROVED this the __13__ day of December, A.D. 2010

APPROVED:


/s/ Brent Hinckley, Mayor

ATTEST:


/s/ Pattie Grote, City Secretary
Revised 3/20/2017

APPROVED AS TO FORM


/s/ David Young, City Attorney