

**ORDINANCE NO. 2013-10**

**AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2009-29 THE 2009 EDITION OF THE INTERNATIONAL PLUMBING CODE, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF PLUMBING SYSTEMS AS PROVIDED HEREIN; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING SEVERABILITY AND OPEN MEETING CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the public health, safety and welfare require the adoption and enforcement of codes governing the issuance of permits for: the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems within the City of Burnet, Texas; and

**WHEREAS**, the City of Burnet currently enforces the 2009 edition of the Uniform Plumbing Code; and

**WHEREAS**, the International Code Council has published its 2009 edition of the International Plumbing Code; and

**WHEREAS**, the public health, safety and welfare will be served by updating certain codes heretofore adopted by the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS THAT:**

**Section 1.** Chapter 22, Article VI, Section 22-127 of the Code of Ordinances of the City of Burnet, Texas is hereby amended to read:

**Section 22-127. Adoption of the International Plumbing Code, 2009 edition.**

(a) That a certain document, a copy of which is on file in the office of the City Secretary of the City of Burnet, Texas, being marked and designated as the International Plumbing Code, 2009 Edition, including Appendix Chapters B, C, D, E, F, and G, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Burnet, in the State of Texas for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement,

addition to, use or maintenance of plumbing systems; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the City Secretary of the City of Burnet, Texas are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 1 of this ordinance.

(b) Amendments. The following sections of the International Plumbing Code are hereby amended as follows:

Section 101.1 (Jurisdiction): Insert: The City of Burnet, Texas

Section 106.6 (Fees): Deleted in its entirety.

Section 108.4 (Violation Penalties): Deleted in its entirety.

Section 108.5 (Stop Work Orders): Insert: Not less than five hundred dollars (\$500.00) or more than two thousand dollars (\$2,000.00).

Section 109 (Means of Appeal): Deleted in its entirety.

Section 305.6.1 (Sewer Depth): Insert: A minimum of 12" below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12" below grade.

Section 312.10.2: Residential backflow to be tested upon installation, repair, relocation, or transfer or sale of property.

Section 904.1 (Roof Extension): Insert: 6" above roof and not less than 1' from any vertical surface.

**Section 2. Prior Amendments Preserved.** All ordinances heretofore adopted by the City Council amending an earlier edition or version of this code shall be and remain in full force and effect. Such prior amendatory ordinances shall, to the fullest extent possible, be read together with and reconciled with the above applicable code and interpreted in a manner to give effect to both. If any such prior amendatory ordinance cannot be reconciled with the applicable and above listed code, then, in that event, the amendatory ordinance shall control and govern to the extent of such conflict.

**Section 3. Ordinances in Conflict.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 4. Enforcement of Regulations.**

(a) No building permit, certificate of occupancy, plumbing permit, electrical permit, or utility tap shall be issued by the City for or with respect to any lot, tract

or parcel of land within the City limits, after the effective date of this Ordinance, except in compliance with all then applicable requirements of this Ordinance and the above codes.

(b) This Ordinance and any code or provision adopted by this Ordinance may be further enforced by injunction and other judicial proceedings, either at law or in equity; and, in lieu of or in addition to any other authorized enforcement or action taken, any person who violates any term or provision of this Ordinance, with respect to any land, building or development within the City, by fine and penalties as provided herein.

**Section 5. Penalty.** Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits, shall be deemed guilty of an offense and shall be liable for a fine of not less than five hundred dollars (\$500.00) or more than two thousand dollars (\$2,000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

**Section 6. Severability.** That nothing in this ordinance or in the Plumbing Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

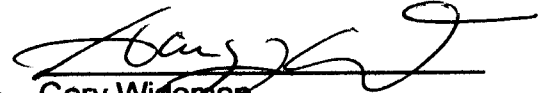
**Section 7. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chap. 551, Tx. Gov't Code*.

**Section 8. Effective Date.** This ordinance shall take effect on 1 January 2010, after its passage in accordance with the provisions of the *Tex. Loc. Gov't Code*.

**PASSED AND APPROVED** on first reading this the 28th day of May, 2013.

**FINALLY PASSED AND APPROVED** on second reading this the 25<sup>th</sup> day of July, 2013.

**CITY OF BURNET, TEXAS**

  
Gary Widenman

**ATTEST:**

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Kelly Dix, City Secretary

