

**ORDINANCE NO. 2530**

**AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 14, ARTICLE V “PLUMBING CODE”, OF THE BRYAN CITY CODE; REPEALING THE 2015 EDITION OF THE INTERNATIONAL PLUMBING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND ADOPTING THE 2021 EDITION AND LOCAL AMENDMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, it is the desire of the City Council for the City of Bryan, Texas to adopt the 2021 edition of the International Plumbing Code, published by the International Code Council, as well as local amendments to same, and to repeal the 2015 edition currently in effect; and

**WHEREAS**, the adoption of additional local amendments to the code will facilitate proper inspection activities by the City of Bryan, Texas relating to the construction and maintenance of buildings within the corporate limits of the City and relating to public, health, safety and welfare; and

**WHEREAS**, the City of Bryan’s Board of Adjustment and Appeals recommended approving the adoption of the 2021 edition of the International Plumbing Code with local amendments during a public meeting held on October 4, 2021.

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

1.

That Chapter 14, ARTICLE V. - “PLUMBING CODE” is amended as follows:

**Sec. 14-122. - International Plumbing Code adopted by reference.**

- (a) The International Plumbing Code, 2021 Edition, with Appendices "B," "C", "D", and "E," published by the International Code Council (the "2021 International Plumbing Code") is adopted and incorporated by reference into this section as if set out at length herein with deletions and amendments contained in subsection (b) and in section 14-123 (local amendments to the plumbing code). From the date on which this section shall take effect, the provisions contained therein shall be controlling in the construction of all buildings and other structures within the corporate limits of the city.
- (b) The following provisions of the 2021 International Plumbing Code are deleted:  
  
Section 114 (Means of appeal)
- (c) The city secretary shall retain a copy of the 2021 International Plumbing Code, with the official ordinances of the city. A copy of the 2021 International Plumbing Code shall be maintained on file by the chief building official.

**Sec. 14-123. - Amendments to code.**

The following sections of the Plumbing Code are hereby amended:

Section 101 (Scope and General Requirements): This section is amended by adding “private” in front of “plumbing systems” where noted to clarify these code provisions do not cover “public utility” systems in public right of way or other provisions overseen elsewhere in the city adopted codes and ordinances for connections to public utilities.

Section 101 (Scope and General Requirements): This section is amended by adding the following sections at end of said section:

104.5 (Utilities) Utility Systems (connections to public utilities) are covered under Chapter 122 – Utilities of the city code of ordinances. Please refer to Chapter 122 of the city code of ordinances for the following: water wells, connections to city water system, water meter requirements, fire line and fire suppression systems (see also adopted fire code for fire suppression system requirements), backflow and cross connection regulations, disconnection of private sewer during demolition, industrial pretreatment ordinance, prohibited discharge standards, wastewater discharge permits, etc.

104.6 (Food Service Establishments) additional regulations for food services establishments may be found in the city code of ordinances. Please refer to Chapter 50 Health and Sanitation Article 11. Food Service Establishments for additional requirements.

Section 102.8 (Referenced codes and standards) is amended by adding the following exception:

Exception: Any reference to the ICC Electrical Code shall mean the National Electrical Code, as adopted and amended by the city.

Section 103 (Code Compliance Agency) is amended by deleting "Code Compliance Agency" and replacing with ("The Building Services Division of the Development Services Department.")

Section 105.1 (Modifications) is amended by deleting the last sentence and replacing with: The details of action granting modifications shall be recorded and entered in the files of the building services division.

Section 109.3 (Work commencing before permit issuance) is amended by deleting the text in said section and replacing with the following: Any person who commences any work on a plumbing system before obtaining the necessary permits shall be subject to five times the usual permit fee in addition to the required permit fees.

Section 109.5 (Refunds) is amended by deleting the text in said section and replacing it with the following: The city manager or his or her designee is authorized to establish a refund policy.

Section 115.4 (Violation penalties) is amended by deleting text in said section and replacing with the following: Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a plumbing system, appliance, fixture, or equipment in violation of the approved construction documents or directive of the chief building official, or of a permit or certificate issued under the provision of this Code, shall be subject to penalties as prescribed by [section 1-14](#) of the Bryan Code.

Section 303.3 (plastic pipe, fittings and components) is amended by adding the following at the end of said section: All private sanitary sewer yard lines shall be equal to or better and same thickness as schedule 40 PVC.

Section 305.4.1 (Sewer depth) is amended by inserting "12" in both blanks and adding the following sentence to the end of said section: Where conditions prohibit the required amount of cover, cast iron pipe with approved joints or other approved materials may be used unless other means of protecting the pipe is provided as approved by the chief building official.

Section 312.1 (Required tests) is amended by deleting the following text "for piping systems other than plastic," and adding "plastic pipe may be tested with air with special permission from the chief building official or plumbing inspector."

Section 312.2 (Drainage and vent water test) is amended by deleting said section in its entirety and replacing with the following:

312.2 Drainage water test. A water test shall be applied to the drainage system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening, and the system shall be filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest opening of the section under test, and each section shall be tested with not less than a ten-foot head of water. This pressure shall be held for at least 15 minutes. The drainage system shall then be tight at all points.

Section 312.3 (Drainage and vent air test) is amended by deleting said section in its entirety and replacing with the following:

312.3 Drainage air test. An air test may be applied to the drainage piping by special permission only by forcing air into the system until there is a uniform gauge pressure of five pounds per square inch (psi) or sufficient to balance a ten-inch column of mercury. This pressure shall be held for a test period of at least 15 minutes. Any adjustment to the test pressure required because of changes in ambient temperature or the seating of gaskets shall be made prior to the beginning of the test period.

Section 312.10 (Inspection and testing of backflow prevention assemblies) is amended by deleting said section in its entirety and replacing with the following:

312.10 Inspection and testing of backflow prevention devices and assemblies. Upon initial installation, an inspection shall be made of all backflow prevention devices and assemblies to determine whether they are operable. Testing of all backflow prevention devices and assemblies shall be in accordance with the city water services department and Chapter 122 Article II (Section 122-56 – 122-63) of the city code of ordinances.

Section 407.2 (Bathtub waste outlet and overflows) is amended by deleting and replacing the last sentence as follows: An overflow drain is required and shall be not less than 1-1/2 inches (38mm) in diameter.

Section 410.1 (Approval) is amended by deleting the last sentence and replacing it with: "In buildings with small occupancies, water coolers or bottled water dispensers may be allowed to be used in place of drinking fountains when approved in advance by the building official."

Section 504.6 (Requirements for discharge piping) is amended by adding the following to item #7: "Discharge to exterior shall not be higher than six inches from ground."

Section 504.7.2 (Pan drain termination) is amended by deleting the last sentence that allows an exception to not have a pan drain if one does not exist on existing water heater replacements. The following sentence is added "On existing water heaters being replaced, if a pan drain cannot be provided the city will allow a float switch to cut off water supply to prevent flooding of the building."

Section 606.1 (Location of full-open valves) is amended by adding the following sentence to item #1: A private water cut off valve in its own protective valve box shall be installed after the public meter/valve box (discharge side) for building owner / maintenance to turn off water for servicing building water distribution systems.

Section 605.4 (Water distribution pipe) is amended by adding: All water pipe below slabs shall be minimum type "k" copper or cross-link polyethylene (PEX) tubing. All water pipe installed without joints or connections in or below slab. Water piping above slabs shall be type "L" copper or better. Other material may be used in lieu of the material listed above but only if approved by the plumbing and/or chief building official. This request must be submitted to the chief building official from the property owner in letter form. Materials subject to corrosion shall be protected when exposed to concrete or corrosive soils.

Section 606.2 (Location of shutoff valves) is amended by adding to the end of 2: when subject to freezing.

Section 606 (Installation of the building water distribution system) is amended by adding section 606.7 to read as follows:

606.7 Sleeved cross-polyethylene piping or tubing. When a sleeve is provided for cross-linked polyethylene (PEX) plastic piping or tubing installed under concrete slabs the annular space between the piping or tubing and the sleeve must be caulked, foamed, or otherwise sealed to prevent the entrance of termiticide.

Section 608 (Protection of Potable Water Supply) and Table 608.1 (Application of Backflow Preventers) is amended by adding the following reference: Refer also to Chapter 122 Article II (Section 122-56 – 122-63) of City of Bryan Code of Ordinances for backflow and cross connection regulations.

Section 608.17.5 (Connections to lawn irrigation system) is amended by deleting and adding Requirements for lawn irrigation systems as established in Appendix G, Article V, [Chapter 14](#), of the City of Bryan Code of Ordinances.

Section 701.2 (Sewer required) is amended by deleting the section in its entirety and replacing with the following:

701.2 Sewer required. Every building in which plumbing fixtures are installed and all premises having sanitary drainage piping shall be connected to an approved sewer. All private sewage disposal systems must comply with the latest adopted standards of the Texas Commission on Environmental Quality and be installed under the direction of the Brazos County Health Department. The installer shall be licensed by the Texas Commission on Environmental Quality.

Section 708.1.3 (Building drain and building sewer junction) is amended by deleting the sentence, "The cleanout shall be either inside or outside the building wall and shall be brought up to the finished ground level or to the basement floor level," and replace it with the following: "The cleanout shall be located outside within five feet of the building wall and shall be brought up to the finished ground level."

Section 1003.1 (When required) is amended by adding the following sentence to the end of the section: "Interceptors and separators are also required per policies of the city's water services department and in conjunction with [Chapter 122](#) of the Bryan Code."

Section 1003.3.4 (Grease interceptors and automatic grease removal devices) is amended by deleting the section in its entirety.

APPENDIX G (Irrigation Requirements). Appendix G is added to cover irrigation design, installation, permitting, and inspection requirements as required by the State of Texas.

Refer to Texas Administrative Code Title 30 Chapter 344 for Landscape Irrigation rules, definitions, license requirements, specific conditions and cross connection control, advertisements, contracts, warranties, reclaimed water, water conservation, maintenance, repair, completion, design, installation, etc.

**Valid license required:**

Any person who connects an irrigation system to the water supply within the city or the city's extraterritorial jurisdiction, commonly referred to as the ETJ, must hold a valid license, as defined by Title 30, Texas Administrative Code, Chapter 30 and required by Chapter 1903 of the Texas Occupations Code, or as defined by Chapter 365, Title 22 of the Texas Administrative Code and required by Chapter 1301 of the Texas Occupations Code.

**Exemptions:**

A property owner is not required to be licensed in accordance with Texas Occupations Code, Title 12, § 1903.002(c)(1) if he or she is performing irrigation work in a building or on a premises owned or occupied by the person as the person's home. A home or property owner who installs an irrigation system must meet the standards contained in Title 30, Texas Administrative Code, Chapter 344 regarding spacing, water pressure, spraying water over impervious materials, rain or moisture shut-off devices or other technology, backflow prevention and isolation valves. The city may, at any point, adopt more stringent requirements for a home or property owner who installs an irrigation system. See Texas Occupations Code § 1903.002 for other exemptions to the licensing requirement.

**Permit required:**

Any person installing an irrigation system within the territorial limits or extraterritorial jurisdiction of the city is required to obtain a permit from the building services division of the development services department. Any plan approved for a permit must be in compliance with the requirements of this chapter.

Exemptions:

- (1) An irrigation system that is an on-site sewage disposal system, as defined by Section 355.002, Health and Safety Code; or
- (2) An irrigation system used on or by an agricultural operation as defined by Section 251.002, Agriculture Code; or
- (3) An irrigation system connected to a groundwater well used by the property owner for domestic use.

**Backflow prevention methods and devices:**

Refer to Chapter 122 Article II (Section 122-56– 122-63) of City of Bryan Code of Ordinances, Chapter 6, Section 608 of the plumbing code, and Texas Administrative Code Title 30 Chapter 344, Subchapter E for backflow prevention and devices.

**Duties and responsibilities of city irrigation inspectors:**

A licensed irrigation or plumbing inspector shall enforce the ordinance of the city and state law, and shall be responsible for:

- (1) verifying that the appropriate permits have been obtained for an irrigation system and that the irrigator and installer or irrigation technician, if applicable, are licensed;
- (2) inspecting the irrigation system;
- (3) determining that the irrigation system complies with the requirements of this chapter;
- (4) determining that the appropriate backflow prevention device was installed, tested, and test results provided to the city;
- (5) investigating complaints related to irrigation system installation, maintenance, alteration, repairs, or service of an irrigation system and advertisement of irrigation services; and
- (6) maintaining records according to this chapter.

**Consistency with state law:**

Any requirements related to, but not covered by this Appendix, set forth in State law or Regulation, found in the Texas Occupations Code, Texas Water Code, Title 30 of the Texas Administrative Code and other rule promulgated by the Texas Commission on Environmental Quality and contained in Chapter 344, Texas Administrative Code, as the same may be from time to time amended, are hereby adopted by reference as the additional landscape rules of the city, and any conflicts within these amendments the state law will take precedent unless city requirements are more restrictive.

**Fees:**

The city council may create a schedule of fees for obtaining and renewing an irrigation permit. These fees will be in amounts sufficient to cover the city's costs in issuing and renewing the permits, including, but not limited to, staff time and other overhead costs.

**Enforcement:**

- (a) The city shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person, firm, corporation or agent who shall violate a provision of this Code, or fails to comply therewith, or with any of the requirements thereof, is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of the ordinance codified in this chapter is declared to be a nuisance.
- (b) Any person who violates a provision of this Code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed by Section 1-14 of the Bryan City Code.
- (c) Nothing in this chapter shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this chapter and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
- (2) Other available relief.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

3.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

4.

Should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby and to this end the provisions of this Ordinance are declared to be severable.

5.

It is hereby found and determined that the meeting at which this Ordinance was passed was open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meeting was given.

6.

It is the intention of the City Council that this Ordinance shall become a part of the Code of the City of Bryan, Texas, and it may be renumbered and codified therein accordingly.

7.

That the City Secretary is directed to publish this Ordinance in a newspaper of general circulation in the City of Bryan in accordance with the provisions of Section 9 of the City Charter, which publication shall be sufficient if it contains the title, penalty, and effective date of this Ordinance.

8.

This Ordinance will be effective from and after its final passage and publication as required by law. The effective date of this Ordinance will be January 1, 2022.

**PASSED, ADOPTED, AND APPROVED** after the first and only reading on the 9<sup>th</sup> day of November, 2021, at a regular meeting of City Council of the City of Bryan, Texas, by a vote of 6 yeases and 0 noes.

ATTEST:

CITY OF BRYAN

*Mary L. Stratta*

\_\_\_\_\_  
Mary Lynne Stratta, City Secretary

*Andrew Nelson*

\_\_\_\_\_  
Andrew Nelson, Mayor

APPROVED AS TO FORM:

*Thomas A. Leeper*

\_\_\_\_\_  
Thomas A. Leeper, Interim City Attorney

