

RESOLUTION NO. 14-0724 03

RESOLUTION OF BRUSHY CREEK MUNICIPAL UTILITY DISTRICT APPROVING AMENDED POLICY GOVERNING PLUMBING REVIEW AND INSPECTIONS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, Brushy Creek Municipal Utility District (the "District") is a conservation and reclamation district, a body corporate and politic and governmental agency of the State of Texas, created under Article XVI, Sec. 59 of the Texas Constitution by order of the Texas Water Commission, now the Texas Commission on Environmental Quality ("TCEQ"), and the District operates under Chapters 49 and 54 of the Texas Water Code, as amended; and

WHEREAS, Section 54.205 of the Texas Water Code, as amended, authorizes a municipal utility district to adopt and enforce reasonable rules and regulations to, among other things, secure and maintain safe, sanitary, and adequate plumbing installations, connections and appurtenances as subsidiary parts of its sanitary sewer system; and to preserve the sanitary condition of all water controlled by the district; and

WHEREAS, pursuant to the foregoing authorization, the Board of Directors of the District previously established a uniform policy regarding plumbing review and inspections; and

WHEREAS, the Board of Directors now desires to update and amend its Policy Governing Plumbing Review and Inspections; Now, Therefore,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF BRUSHY CREEK MUNICIPAL UTILITY DISTRICT OF WILLIAMSON COUNTY, TEXAS, THAT:

Section 1. The matters and facts recited in the preamble to this Resolution are found to be true and correct and the same are incorporated herein as a part of this Resolution.

Section 2. The Amended Policy Governing Plumbing Review and Inspections (the "Plumbing Policy") attached hereto as Exhibit "A" is hereby approved and adopted.

Section 3. The Board directs that the Plumbing Policy shall be effective for all purposes after adoption of this Resolution.

PASSED AND APPROVED this 24th day of July 2014.



President

ATTEST:



Secretary
(SEAL)

Exhibit A

**AMENDED POLICY GOVERNING
PLUMBING REVIEW AND INSPECTIONS**

SECTION 1: Purpose

The Board of Directors of Brushy Creek Municipal Utility District (District) hereby adopts the following rules concerning minimum plumbing standards and inspection practices in order to protect the public health, safety and welfare of the residents of the District.

SECTION 2: Adoption of Plumbing Code

The District hereby adopts the Uniform Plumbing Code, most current Edition, as published by the International Association of Plumbing and Mechanical Officials, and all regulations, parts, notations, references and specifications therein are hereby adopted and made a part of these rules except as deleted or amended hereafter. The District reserves the right to amend any provision of the Code to conform to local concerns that do not substantially vary with the rules or laws of the State of Texas.

SECTION 3: Administrative Authority

Brushy Creek Municipal Utility District shall act through its General Manager as the duly authorized Administrative Authority under the Code. The District's General Manager may appoint such assistants, deputies, inspectors, or other employees or consultants as are necessary to carry out the functions of the Code.

SECTION 4: Definitions

For purposes of this Policy, the following definitions shall apply:

“Code” means the Uniform Plumbing Code, most current Edition, as published by the International Association of Plumbing and Mechanical Officials.

“Plumbing” means all piping, fixtures, appurtenances, and appliances, including disposal systems, drain or waste pipes, multipurpose residential fire protection sprinkler systems or any combination of these that: supply, distribute, circulate, recirculate, drain, or eliminate water, gas, medical gasses and vacuum, liquids, and sewage for all personal or domestic purposes in and about buildings where persons live, work, or assemble; connect the building on its outside with the source of water, gas, or other liquid supply, or combinations of these, on the premises, or the water main on public property; and carry waste water or sewage from or within a building to the sewer service lateral on public property or the disposal or septic terminal that holds private or domestic sewage. The installation, repair, service, maintenance, alteration, or renovation of all piping, fixtures, appurtenances, and appliances on premises where persons live, work, or assemble that supply gas, medical gasses and vacuum, water, liquids, or any combination of these, or dispose of waste water or sewage. Plumbing includes the treatment of rainwater to supply a plumbing fixture or appliance.

“Plumbing Inspector” means any person employed by the District or who contracts as an independent contractor with the District for the purpose of inspecting Plumbing work and installations in connection with health and safety laws, ordinances, and plumbing and gas codes, who has no financial or advisory interests in any plumbing company, and who has successfully fulfilled the examinations and requirements of the Texas State Board of Plumbing Examiners.

SECTION 5: Applicability

A. The Code and this Policy shall apply to the erection, installation, alteration, repair, relocation, replacement, addition to, use and maintenance of all Plumbing within the District, including Plumbing undertaken by individuals and builders.

B. The District’s General Manager is hereby authorized to enforce all provisions of this Policy and to prepare or cause to be prepared suitable forms of applications, permits, inspection reports and other materials necessary or convenient to the purposes identified herein. The General Manager is further authorized to inspect and test, or cause to be inspected and tested, all plumbing work for compliance with this Policy and the Plumbing Code adopted herein, and to enforce changing such installations that do not meet the requirements. It shall further be his duty to ensure that all persons installing or altering plumbing shall be qualified to do so under state law.

SECTION 6: Plumbing Permit Requirement

A. Except as specifically set forth below, no person or entity shall undertake or perform the erection, installation, alteration, repair, relocation, replacement, or addition to any Plumbing within the District without securing a Plumbing Permit from the District. Plumbing Permit registration forms are available on the District’s website or in its administrative office.

B. The following Plumbing activities shall be exempt from the Plumbing Permit requirement:

- i. Plumbing work done by a person engaged by a public utility company to:
 - (a) lay, maintain, or operate its service mains or lines to the point of measurement; and
 - (b) install, change, adjust, repair, remove or renovate appurtenances, equipment, or appliances.
- ii. Appliance installation or appliance service work, other than installation and service work on water heaters and water softeners, done by bona fide appliance dealers and their employees that do not offer to perform Plumbing work to the general public, in connecting appliances to existing openings with a Code approved appliance connector without cutting into or altering the existing Plumbing system;

- iii. Irrigation work done by an individual working and licensed by the Texas Commission on Environmental Quality under Chapter 1903, Occupations Code, as an irrigator or installer;
- iv. LP Gas service and installation work done by an individual working and licensed by the Texas Railroad Commission under Chapter 113 of the Natural Resources Code as a LP Gas Installer;
- v. Water Treatment Specialists licensed by the Texas Commission on Environmental Quality under §341.034 of the Health and Safety Code may engage in residential, commercial or industrial water treatment activities including making connections necessary to complete the installation of a water treatment system;
- vi. Water well pump installation and service work performed by an individual licensed by the Texas Commission on Environmental Quality under Chapter 1902 of the Occupations Code;
- vii. Residential potable water supply or residential sanitary sewer connections performed by an organization certified by the Texas Commission on Environmental Quality to perform self-help project assistance on a Self-Help Project which complies with §1301.057 of the Occupations Code (Plumbing License Law); and
- viii. Water treatment installations, exchanges, services, or repairs.

SECTION 7: Plumbing License Requirements

A. Except as otherwise set forth below, all Plumbing undertaken within the District must be performed by a licensed plumber.

B. The following acts, work and conduct may be performed within the District by a person without a Plumbing license:

- i. Plumbing work done by a property owner in the property owner's homestead;
- ii. Plumbing work that is not performed in conjunction with new construction, repair or remodeling, and is performed on a property that is:
 - (a) located in a subdivision or on a tract of land that is not required to be platted under §232.0015, Local Government Code; or
 - (b) not connected to the District's public water system.

iii. Work done on existing Plumbing by a maintenance man or maintenance engineer (as defined by rule of the Texas State Board of Plumbing Examiners) that is incidental or connected to other maintenance duties, provided that such an individual does not engage in cutting into fuel gas plumbing systems, the installation of gas fueled water heaters, or Plumbing work for the general public.

SECTION 8: Registration.

Any person or entity that seeks to perform any Plumbing within the District that is subject to the Plumbing Permit requirement must register with the District as a condition of issuance of a Plumbing Permit.

SECTION 9: Plumbing Inspection Requirement

All Plumbing subject to a Plumbing Permit must be inspected by a Plumbing Inspector.

SECTION 10: Inspection Procedures

A. Each applicant for a Plumbing Permit shall submit two sets of plans, specifications, drawings, and any other information deemed necessary by the District prior to issuance of a Plumbing Permit and prior to the commencement of work regulated by the Code. This information shall be submitted to the District's administrative office simultaneously with submittal of an application for a Plumbing Permit. The District may waive the submission of plans, or any other information requirement, if it finds that the nature of the work applied for is such that the review of plans is not necessary to confirm compliance with the Code. Further, the District may require the submission of additional information during the progress of work as deemed appropriate in the exercise of its sole discretion.

B. At the time of submission of an application for a Plumbing Permit, the applicant shall pay all required plumbing and other fees to the District, as set forth in the District's Rate Order, as amended from time to time.

C. At the time the District issues a Plumbing Permit and all required fees have been paid, the District will assign a Plumbing Inspector to the project. This inspector must be employed by or contracted directly by the District. The Plumbing Inspector assigned to the project will be listed on the Plumbing Permit. It is the permittee's responsibility to contact the Inspector when ready for any inspections.

D. In the event that a Plumbing project fails one or more of the required inspections, then the Plumbing Inspector shall re-inspect the project as necessary until the project is approved. A re-inspection fee must be paid to the District for each re-inspection in the amount set forth in the District's Rate Order, as amended from time to time. The re-inspection fee must be received prior to, and as a condition of, issuance of a final Certificate of Occupancy (CO).

E. Each permittee shall be responsible for scheduling inspection dates and times with the Plumbing Inspector. Results of all plumbing inspections must be sent by the Plumbing

Inspector to the District office within twenty-four (24) hours of completion of each inspection. Upon satisfactory completion of the final plumbing inspection, including the Customer Service Inspection (CSI) and payment of all required fees, the gas meter will be released for installation and the District shall issue the CO.

F. Inhabiting the premises prior to satisfactory completion of the final plumbing inspection and CSI, and/or prior to issuance of the CO shall result in termination of water service to the property. The District shall not re-connect water service to the property until all inspections (including the CSI) are completed and passed and verification is received by the District from the Plumbing Inspector. Restoration of water service will be subject to receipt of all re-connect fees, as set forth in the District's Rate Order.

G. Any person who occupies premises before receipt of a CO will be subject to penalties in the amount established by the Board of Directors from time to time.

H. In the event any builder fails to pay any inspection or re-inspection fee, the District will not approve any new service connections or issue any new permits to such builder until all amounts in arrears are paid in full.

SECTION 11: Appeals

Disputes with the Plumbing Inspector regarding interpretation of the Code may be appealed to the District's General Manager or his designated representative. An aggrieved party may also appeal the decision of the General Manager to the District's Board of Directors. Under no circumstances shall the District provide water service to the property that is the subject of an appeal until a final decision is made by the Board of Directors and all required fees are paid to the District. In all cases, the Board's determination shall be final and strict interpretation of the Code shall prevail to protect public health and safety.

SECTION 12: Hazards

A. The District's General Manager is hereby authorized to discontinue or cause to be discontinued all water service or services to any and all premises, lands, buildings, or structures where it is found that an immediate hazard exists to the purity or potability of the District's water supply.

B. The District's General Manager is hereby authorized and directed to take such steps as are necessary to determine all potential hazards to the purity or potability of the District's water supply. Upon determining said potential hazards, it shall be the duty of the General Manager or his designee to immediately cause notice to go to the owner or such other person responsible for the premises, specifying said hazard(s), and notifying said person that in the event that said hazard(s) is not corrected within thirty (30) days from the date of said notice, all water services shall be discontinued thereafter until the requirements of the Plumbing Code have been met.