

ORDINANCE NO. O-2016-012

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE II, SECTION 6-42 OF THE CITY OF SHAVANO PARK CODE OF ORDINANCES TO REQUIRE A NO FEE PERMIT AND INSPECTION FOR ALL WATER HEATER REPAIR AND/OR REPLACEMENT; PROVIDING A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Shavano Park previously adopted Ordinance No. 100-02-11 exempting Hot water heater repair/replacement from permitting and inspection; and

WHEREAS, the City of Shavano Park previously adopted Ordinance No. 100-03-09 requiring Gas fueled water heaters acquire a "no fee permit" and be installed by a licensed and certified plumber and undergo an inspection by the City Inspector upon completion of the install; and

WHEREAS, State plumbing license law, Tex. Occupations Code § 1301.551 requires a municipality that adopts an ordinance or bylaw under the section provide by ordinance or bylaw that a person must obtain a permit before the person performs plumbing; and

WHEREAS, The City of Shavano Park adopted Ordinance No. 0-2015-018 regulating plumbing work performed under the State plumbing license law, Tex. Occupations Code § 1301.001; and

WHEREAS, the City Council of the City of Shavano Park believes this ordinance promotes the public health, safety, morals, and/or general welfare of the City of Shavano Park.

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

**I
CODE AMENDMENT**

Chapter 6, Article II, Section 6-42 of the City of Shavano Park Code of Ordinances is hereby amended to read as follows:

Sec. 6-42. - Plumbing permits.

(a) License required.

(1) All plumbing work performed within the City limits shall be done by a plumber licensed by the State in accordance with the State plumbing license law, Tex. Occupations Code § 1301.001 et seq.

(2) A property owner is not required to be licensed under this chapter to perform plumbing in the property owner's homestead.

(b) The following installation or replacement work shall not require a permit:

(1) Gas-fueled stove.

(2) Clothes dryer.

(3) Portable heater.

(4) Swimming pool/spa repair.

(5) Sprinkler system repair.

(6) Toilet repair/replacement.

(7) Faucet repair/replacement.

~~(8) Hot water heater repair/replacement.~~

~~(98) Water softener repair/replacement.~~

~~(109) Hot tub repair.~~

(c) Floor furnaces, wall furnaces and outside heating furnaces require a permit.

(d) ~~Gas-fueled~~ Water heaters require a "no fee" permit ~~and must be installed by a licensed and certified plumber and require an inspection by the City Inspector upon completion of the install.~~

II CUMULATIVE CLAUSE

That this ordinance shall be cumulative of all provisions of the City of Shavano Park, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

III SEVERABILITY

That it is hereby declared to be the intention of the City Council of the City of Shavano Park that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances, since the same

would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

**IV
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

**V
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

PASSED AND APPROVED on the first reading by the City Council of the City of Shavano Park this the 29th day of August, 2016.

PASSED AND APPROVED on the second reading by the City Council of the City of Shavano Park this the 19th day of September, 2016.



ROBERT WERNER, MAYOR

Attest:



ZINA TEDFORD, City Secretary

Approved as to Form:



CHARLES E. ZECH, City Attorney