

**ORDINANCE NO. O-2009-20**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 6, "BUILDINGS AND STRUCTURES", ARTICLE IV., "PLUMBING CODE", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, TO ADJUST THE EXISTING PLUMBING FEE FOR YARD SPRINKLERS; AMENDING ARTICLE IV., "BUILDING CODE", TO CLARIFY THE DUTIES AND RESPONSIBILITIES OF THE DEVELOPMENT SERVICES ENGINEER; AND AMENDING ARTICLE II., "ELECTRICITY", TO CLARIFY THE PROVISIONS RELATING TO ARC-FAULT CIRCUIT-INTERRUPTER PROTECTION FOR BEDROOM RECEPTACLES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the City Council to protect the public health, safety and welfare; and

**WHEREAS**, in City Code Chapter 6, Article IV., the City Council has adopted plumbing fees for new construction and alteration, additions and repairs; and

**WHEREAS**, in City Code Chapter 6, Article I., the City Council has adopted building codes for new construction and alteration, additions and repairs; and

**WHEREAS**, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for good government, peace, or order of the municipality; and

**WHEREAS**, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

**WHEREAS**, Section 1 of the Tyler City Charter states that the City of Tyler may make any and all rules and regulations by ordinances and resolutions; and

**WHEREAS**, Section 1 of the Tyler City Charter provides that the City may license and regulate persons, corporations, and associations engaged in any business, occupation, profession or trade; and

**WHEREAS**, it is important to amend Tyler City Code Chapter 6, Article IV., to adjust plumbing fees to comply with State mandated landscape irrigation requirements; and

**WHEREAS**, it is important to amend Tyler City Code Chapter 6, Article I., to clarify the duties and responsibilities of the Development Services Engineer;

**WHEREAS**, on January 15, 2009, the Construction Board of Adjustment and Appeals voted to recommend that the amendments to Sections 6-12 and 6-72 be adopted by the City Council;

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

**PART 1:** That Tyler City Code Chapter 6, "Buildings and Structures", Article IV., "Plumbing Code", is hereby amended by amending Section 6-72 to read as follows:

**Sec. 6-72. Plumbing Fees.**

- a. through g. No changes...
- h. Yard sprinkler           \$50.00
- i. through q. No changes...

In the event work is started without a permit, the above fees will be increased one hundred (100) percent. No fees will be refunded or transferable. (Ord. No. O-96-34, 6-1-96); (0-2006-79; 9-13-2006) (Ord. No. 0-2009-20; 3/11/09)

**PART 2:** That Tyler City Code Chapter 6, "Buildings and Structures", Article I., "Building Code", is hereby amended by amending Section 6-12 to read as follows:

- a. No changes...
- b. If the Development Services Engineer determines that such facilities have been altered from specifications required in the Site Plan, or that the location has been changed so as not to comply with the Site Plan, or that drainage and parking facilities have not been maintained in serviceable condition, then the Development Services Engineer shall notify in writing the owner of such facility, detailing the alleged noncompliance.
- c. No changes... (Ord. No. 0-97-29, 6-18-97) (Ord. No. 0-98-31, 4/15/98) (Ord. No. 0-2000-90, 11/15/00) (Ord. No. 0-2009-20; 3/11/09)

**PART 3:** That Tyler City Code Chapter 6, Buildings and Structures", Article II., "Electricity", Division D., "National Electrical Code", is hereby amended by amending Section 6-44, subsection e., to read as follows:

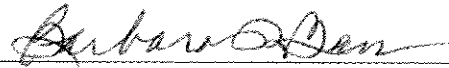
- e. Amend Section 210.12(B) by amending the first paragraph to read as follows:

(B) Dwelling Units. All 120-volt, single phase, 15- and 20-ampere branch circuits supplying receptacles installed in dwelling unit bedrooms shall be protected by a listed arc-fault circuit interrupter, combination-type, installed to provide protection of the branch circuit. (Ord. No. 0-2009-20; 3/11/09)

**PART 4:** That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

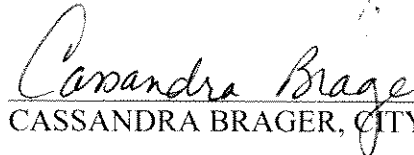
**PART 5.** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be March 13, 2009.

**PASSED AND APPROVED** this 11th day of March, A. D., 2009.




BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

APPROVED:

  
GARY C. LANDERS, CITY ATTORNEY

