

CITY OF AUSTWELL

BUILDING ORDINANCE #2011-12-14-0002

An ordinance relating to the adoption of a uniform residential building code, regulating the building, plumbing, mechanical and electrical construction of all structures and buildings within the city limits of Austwell; providing for the issuance of permits and collection of fees; providing for building setbacks; providing penalties for the violation thereof; repealing all ordinances and parts of ordinances in conflict herewith; and provide an effective date.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AUSTWELL:

SECTION ONE
PURPOSE

The purpose of this ordinance is to provide minimum requirements to safeguard the public safety, health, property and general welfare from fire and other hazards attributed to the built environment.

The Council adopts the International Residential Code (as changed for this wind area), International Building Code and the National Electrical Code (hereafter referred to as the IRC, ICC600, IBC and NEC, respectively) as the municipal building codes for all construction, alteration, remodeling, enlargement and repairs of residential and commercial structures within the municipality. We also adopt AEP's request to have the main ground terminate in the meter can and be sized per chart 250.66 of the NEC along with the correct grounding electrode.

SECTION TWO
BUILDING DEPARTMENT

A: ESTABLISHMENT

There is hereby established a department to be called the building department and the person or persons in charge shall be known as the building official/committee.

B: BUILDING OFFICIAL/COMMITTEE

In the rest of this ordinance any reference to building official shall mean building official/committee. The building official shall be appointed or hired by the applicable governing authority and shall not be removed from office except for cause after full opportunity has been given to be heard on specific charges before such applicable governing body.

The building official shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, or service

system in the making of plans or of specifications thereof unless he is the owner of such. This officer shall not engage in any other work which is inconsistent with his or her duties or conflict with the interest of the department.

C: POWERS AND DUTIES OF THE BUILDING OFFICIAL/COMMITTEE

The building official is hereby authorized and directed to enforce the provisions of the IRC, ICC600, IBC, and NEC codes. The building official is further authorized to render interpretation of these codes, which are consistent with its spirit and purpose.

The building official shall receive application, review construction documents and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this ordinance.

The building official is responsible for developing and implementing specific policies and guidelines for the enforcement of these codes. All policies and guidelines shall be printed in document format and be readily available to the public.

D: RECORDS

The building official shall keep or cause to be kept, a record of all the business of the department. The records of the department shall be open to public inspection.

E: REPORTS

The building official shall submit annually a report covering the work the department did during the preceding year. He or she may incorporate in said report a summary of the board of Adjustment and Appeals during said year.

F: LIABILITY

Any officer or member of the Board of Adjustment and Appeals charged with the enforcement of this ordinance, acting for the applicable governing authority in the discharge of his or her duties shall not thereby be personally liable.

G: BOARD OF ADJUSTMENT AND APPEALS

The building official or committee shall have the authority to form a committee to receive advice, discuss building trade related issues or review complaints. The committee shall consist of the building official/committee and three citizens of Austwell.

H: UNSAFE BUILDINGS

Unsafe buildings are addressed in ordinance number 001.

SECTION THREE WIND LOADING

A: WIND LOADING

The Texas Department of Insurance adopts and enforces a windstorm construction code in our area for all structures constructed or repaired or to which additions are made on or after January 1, 2002. Compliance with the Texas Department of Insurance Windstorm Construction Code is required to be eligible for Texas Catastrophe Property Insurance (Catpool) insurance and by the City of Austwell as adopted by the State of Texas for all municipalities in the state.

SECTION FOUR LICENSING OF CONTRACTORS

A: GENERAL

A license shall be issued by the building official/committee for GENERAL CARPENTRY/ CONTRACTOR by this ordinance upon payment of the applicable fee. All licenses shall expire one year from the date of issue unless renewed. There is a \$15.00 fee for license registration and a \$15.00 fee for annual renewal. Any person/contractor doing projects, total cost of \$10,000.00 or more, must have a State License.

A homeowner who constructs or repairs his or her own residence or property belonging to them is exempt from the licensing provision of this ordinance. Any contractor or subcontractor must be licensed.

B: GENERAL CONTRACTORS

It shall be the duty of every contractor or builder who shall make contracts for the erection, repair, or demolition of buildings or structures for which a permit is required in the City or its extraterritorial jurisdiction or that is or will be connected to the city water or sewer system and every contractor or builder subletting such contracts or parts thereof, to hold the appropriate license by the Texas Department of Licensing and Regulation.

General contractors who perform such work in the City shall register their license with the City and obtain a permit prior to performing any work. There is a \$15.00 fee for license registration.

C: PLUMBING CONTRACTORS

It shall be unlawful for any person to engage in the business of installing, maintaining, altering or repairing any plumbing fixture, pipe, or apparatus for which a builder or contractor license is required unless such person holds an appropriate license by the Texas State Board of Plumbing Examiners.

All plumbers who perform such work in the City shall register their license with the City and obtain a permit prior to performing any work. There is a \$15.00 fee for license registration.

D: MECHANICAL CONTRACTORS

It shall be unlawful for any person to engage in the business of installing, maintaining, altering or repairing any mechanical system, fixture or apparatus for which a builder or contractors' license is required unless such person holds an appropriate license by the Texas Department of License and Regulation.

All mechanical contractors who perform such work in the City shall register their license with the City and obtain a permit prior to performing any work. There is a \$15.00 fee for license registration.

E: ELECTRICAL CONTRACTORS

It shall be unlawful for any person to perform electrical work for which a builder or contractors' license is required unless such person holds an appropriate license by the Texas Department of License and Regulation.

All electricians who perform such work in the City shall register their license with the City and obtain a permit prior to any work. There is a \$15.00 fee for license registration.

SECTION FIVE PERMITS and PERMIT FEES

Since the Texas Department of Insurance does not require inspection on certain repairs, the City will follow and not require permits or permit fees for some of the same; however, one must make application for permit and the Building Official/Committee shall decide if one is required or not.

In no case will a permit be issued if the requestor or location has an outstanding ordinance violation or question.

ITEMS NOT REQUIRING A PERMIT includes but may not be limited to:

- Repairs to gutters
- Repairs to wheelchair ramps
- Repairs to steps
- Storm protective measures
- Temporary storm repairs
- Replacement of appliance and fixtures where plumbing and or electric wiring already exist
- Water heaters
- Sinks
- Faucets
- Hose bibs

Commode
 Light switches
 Receptacles
 Light fixtures

All other repairs, building, structures or alterations need an application for permit for a decision of the Building Official/Committee and paying the fee as required.

PERMIT FEES:

PERMIT FEES MAY CHANGE FROM TIME TO TIME DEPENDING ON THE COST OF INSPECTION FEES TO THE CITY.

New Building	Foundation	Inspection required
	Rough In	Inspection required
	Finish Out	
	Roofing	
Repair or Alteration	Any or all of the above, if applicable	

ELECTRICAL, PLUMBING or MECHANICAL (A/C or HEATING)

Foundation	
Rough In	
Finish Out	Any that apply

Permit fees will include all inspections needed. Fees will be based on \$95.00 per inspection.

EXAMPLES:

New Building	4 inspections	\$380.00
Electrical only	2 inspections	\$190.00
Plumbing	3 inspections	\$285.00
Mechanical	2 inspections	\$190.00

SECTION SIX
 BUILDING SETBACKS

For the purpose of this Ordinance, building setback lines refer to the distance building or structures must be from the property line.

- (1) A building permit will not be issued which does not conform to the designated setback lines with the following exceptions:

Existing buildings which encroach on the setback lines may be remodeled or enlarged providing no additional encroachment on setback lines occur. Overhangs and eaves not more than twenty-one inches (21") shall not constitute a building in this application.

(2) Minimum Setback Requirements:

- (A) Front setback lines: Minimum front setback lines shall be fifteen feet (15'). Corner lots shall have a minimum ten feet (10') setback on the side street.
- (B) Rear setback line: Minimum rear setback lines shall be ten feet (10') from the center of a utility easement or no less than five feet (5') in cases where no easement exists.
- (C) Side setback line: Minimum side setback lines shall be ten feet (10') from the centerline of a utility easement or five feet (5') in cases where no easement exists, except on corner lots which require a ten-foot (10') setback on streets.
- (D) Double Fronted: Where lots are doubled on a front and back street, the subdivision plat shall designate the front lot line and all buildings shall face that street.
- (E) Commercial Lots: Property platted as a commercial subdivision may request a variance from these setback requirements. All such requests must be in writing and approved by the Planning Board and the City council prior to a building permit being issued. It shall be understood that any construction on lots where a variance is granted shall conform to the standard building code ordinance and shall not be built within ten feet (10') from the centerline of utility easements.
- (F) Setback lines for new subdivisions must comply with this ordinance, the Subdivision and Plat ordinance, or with the deed restrictions of the subdivision.
- (G) Any person owning lots contiguous to each other may build across any interior lines without obtaining a variance or violating this ordinance, provided however, in no event shall this ordinance be construed to allow any person, firm or corporation to build within ten feet (10') of the centerline of any utility easement.
- (H) Property owners in an area where there are no subdivision restrictions may request a variance to these setback requirements. A request for variance will be made in writing to the Planning Committee.
- (I) The Planning Committee will make a recommendation to the City Council for approval or disapproval. The City Council will be the final authority for granting or rejecting all requests for variance.
- (J) Pole signs, ground signs under three feet (3') in height, fences under three feet (3') in height and less than 30% solid, and vegetation under three feet (3') in height may be erected, installed or planted in the area protected by setback lines upon determination by the building Official/Committee that the proposed items will not interfere with the clear view of traffic traveling the streets in their vicinity or will not interfere with any utility easement or City right-of-way.
- (K) Concrete flat work used for driveways or sidewalks may not be installed closer than six inches (6") from the neighboring property lines unless there is an existing

easement. In these locations, no concrete may be poured within ten feet (10') of the center line of an easement, nor on City property.

SECTION SEVEN
ENFORCEMENT

Any person, firm, corporation or association of persons who shall violate any of the provisions of this ordinance shall, upon conviction, be fined in any sum not to exceed FIVE HUNDRED DOLLARS (\$500.00) for each violation. Each day a violation is continued shall constitute a separate and punishable offense.

Any person, firm partnership or corporation violating this ordinance may be enjoined for continuing its violation and/or be required by a court of competent jurisdiction to remove any structure violating this ordinance.

SECTION EIGHT
REPEALING CLAUSE

All ordinances or part of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION NINE
SEVERABILITY CLAUSE

If any section, paragraph, sentence, clause, phrase or provision of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION TEN
EFFECTIVE DATE

This ordinance shall become effective on the 14 day of December, 2011, and shall be posted.

PASSED AND APPROVED THIS 14 day of December, 2011.

SIGNED: _____
MAYOR DAVID CANN

ATTEST: _____
CITY SECRETARY