

ORDINANCE NO. 2012-10

AN ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY, TEXAS ENTITLED "BUILDINGS AND BUILDING REGULATIONS," TO ADOPT UPDATED VERSIONS OF VARIOUS BUILDING AND TRADE CODES; TO ENUMERATE CITY AMENDMENTS TO SUCH CODES; TO RENUMBER SECTIONS AND SUBSECTIONS AS NECESSARY AND TO PROVIDE FOR OTHER RELATED MISCELLANEOUS AMENDMENTS. THIS ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDES FOR SEVERABILITY.

WHEREAS, the City Council of the City of League City, Texas (the "City") deems it necessary and in the best interests of the citizens to amend Chapter 22 of the Code of Ordinances of the City entitled "Buildings and Building Regulations;" and

WHEREAS, the City Council finds that it is of paramount interest to protect public health, safety, property, and the general welfare of the public by updating its building codes, as referenced hereafter in Exhibit A, which is attached hereto and incorporated by reference;

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. Chapter 22 of the Code of Ordinances of the City of League City, Texas is hereby amended in the form and as shown in Exhibit "A", which is attached, made a part of this ordinance, and is incorporated by reference for all purposes.

Section 3. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4. This Ordinance is hereby incorporated into and made a part of the League City Code of Ordinances. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not more than Two Thousand Dollars (\$2,000.00) per offense. Each day of violation shall constitute a separate offense.

Section 5. In the event any clause, phrase, provision, sentence, or any part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of League City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 6. The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

APPROVED on first reading the 22nd day of May, 2012.

APPROVED on second reading the 12th day of June, 2012.

PASSED AND ADOPTED the 12th of June, 2012.

  
TIMOTHY PAULISSEN  
Mayor

ATTEST:

  
DIANA M. STAPP  
City Secretary

Ordinance 2012-10  
Exhibit "A"

Chapter 22  
Buildings and Building Regulations

ARTICLE I. IN GENERAL

**Sec. 22-1. Authority.**

The City Building Official and City Code Compliance Official or their designees are hereby authorized to enforce all provisions of this chapter. Either the Building Official or Code Compliance Official, or their designees, (collectively "Building Official") are allowed to issue and, for good cause, revoke permits required by this chapter; however, such person(s) shall not be authorized to arrest an individual for violations of a City ordinance unless the person is a licensed peace officer. The Building Official may appoint, with the approval of the administrative authority, deputy inspectors and other such employees as shall be authorized from time to time.

**Sec. 22-2. Duties of Building Official.**

The Building Official is hereby authorized and directed to enforce the provisions of this code. The Building Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**Sec. 22-3. Right of entry.**

Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the Building Official or an authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous, or hazardous, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this code, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused or if the owner or other person having charge or control of said premises cannot be located, the Building Official or an authorized representative shall have recourse to secure entry by every remedy provided by law.

When the Building Official or an authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official or an authorized representative for the purpose of inspection and examination pursuant to this Code and/or inspection warrant.

**Sec. 22-4. Inspection.**

(a) A permit holder must, as a condition of the permit, allow the Building Official or authorized representative of the City to enter and inspect the land or premises that is the subject of the permit.

(b) An applicant for an approval under this title shall agree in writing to allow the Building Official or authorized representative of the City to enter and inspect the land or premises that is the subject of the application during approval and development.

(c) Entry and inspection under this section must be at a reasonable time for the purpose of investigating or enforcing the requirements of this title.

(d) If the premises are occupied, the Building Official or authorized representative of the City shall present the inspector's credentials and request entry. If the premises are unoccupied, the inspector shall attempt to contact a responsible person and request entry.

**Sec. 22-5. Liability of inspectors.**

Where action is taken by the Building Official or his designees to enforce the provisions of this chapter, such action shall be in the name of and on behalf of the City. The inspector, in so acting, shall not render himself personally liable for any damage which may accrue to persons or property as a result of an action committed in good faith, course, and scope of the discharge of his duties. Any suit brought against any building official by reason thereof shall be defended by the City Attorney until final determination of the proceedings contained therein.

**Sec. 22-6. Contractor registration.**

(a) *Registration.* It shall be the duty of every contractor, sub-contractor, or builder who shall make contracts for the installation, repair, or alteration of any building, structure, or system for which a permit is required, and every contractor, sub-contractor, or builder making such contracts and subletting the same, or any part thereof, to apply for registration to work in the City. Application must be made to the Building Official. All contractors applying for registration must provide the following documentation:

- (1) Current state license (if applicable, see appended table);
- (2) Copy of current workmen's compensation insurance per state regulation; and,
- (3) Proof of comprehensive general liability insurance coverage with limits of not less than \$250,000 per occurrence for bodily injury and \$100,000 per occurrence for property damage. A company duly authorized to write insurance in the State of Texas shall issue all such insurance.

(b) *Registration fee.* A fee shall be paid at the time of registration, and annually for renewal of registration with the City. The Buildings and Building Regulations Fee Schedule outlines the cost of a contractor's registration fee.

(c) *Duration of registration.* All registrations issued under this division shall expire exactly one (1) year from the date of issuance or renewal.

(d) *Registration Card.* Upon completion of registration review and payment of annual registration fee, the contractor, sub-contractor, or builder shall be issued an identification card with identification number verifying registration to work in the city.

*Exemption:* All contractors or sub-contractors, required by any other section of this code to be registered through the city, shall be exempt from this registration requirement. Licensed trades shall be exempt from the payment of a registration fee if pre-empted by state law; however, all other registration requirements will apply.

**Sec. 22-7. Permit fees.**

Before any permit shall be issued under the provisions of this chapter, the applicant shall pay the plan review fee, permit fees, and inspections fees in an amount as determined by City Council in the Buildings and Building Regulations Fee Schedule. The building permit fee for City facilities may be waived, with the approval of the Building Official.

**Sec. 22-8. Citation.**

A citation issued hereunder must be on a form approved by the municipal court that includes the following information:

- (a) The name, address, date of birth, and telephone number, or driver's license number and physical description, of the person cited;
- (b) The offense for which the person is charged;
- (c) The date and location of the offense;
- (d) An appearance date;

- (e) A statement requiring the person receiving the citation to appear at municipal court on or before the appearance date indicated on the citation;
- (f) A statement of the person's promise to respond to the citation by the appearance date indicated on the citation, including a place for the person cited to provide the person's signature;
- (g) The signature of the person issuing the citation; and,
- (h) Other information as determined by the director of the issuing department.

Upon receipt of the completed citation, the municipal clerk shall process the citation and cause a complaint to be filed, in the same manner as a citation issued by a police officer. On or before the appearance date indicated on a citation, a person cited shall submit a plea to each charge indicated on the citation. The person may enter a plea of guilty, not guilty, or no contest. The plea may be submitted by mail, in person, or by other method acceptable to the municipal court. A person may enter a plea of guilty or no contest to a charge on a citation by paying the fine for the charge.

**Sec. 22-9. Offenses.**

- (a) A person commits an offense if the person has been issued a citation and the person fails to enter a plea to a charge indicated on the citation on or before the appearance date indicated on the citation.
- (b) A person commits an offense if the person interferes with, hinders, or molests a City employee in performance of the employee's duties under this chapter.
- (c) A person commits an offense if the person gives a false or fictitious name, address, or other information to a Building Official or authorized employee at the time the Building Official or designated employee requests information for completion of a citation.

**Sec. 22-10. Penalty.**

Any person, firm, corporation, or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish, or move any building or structure, or has erected, constructed, altered, repaired, moved, or demolished any building or structure, in violation of a detailed statement or drawing submitted and permitted there under, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws.

**Sec. 22-11. Appeals.**

- (a) Any person dissatisfied with a decision of the Building Official concerning the interpretation of this article, the use of alternate methods and materials, or issuance of license shall have the right to appeal to the Zoning Board of Adjustment. Appeals shall be in writing and filed with the Building Official in conformity with the policies and procedure of the Zoning Board of Adjustment, which shall prevail in case of conflict. The Board shall hold, on or before the next scheduled meeting date, a hearing on the matter. The Zoning Board of Adjustment shall affirm, modify, or reverse the action or decision and submit findings in writing to the Building Official with a copy to the applicant.
- (b) Any interested person aggrieved by a decision of the Board may file in district court/county court at law a verified petition setting forth that the decision is illegal, in whole or part, and specifying the grounds of the illegality. The petition must be filed within 10 calendar days after the date the decision is filed in the Board's office.

**Sec. 22-12. Reserved.**

**ARTICLE II. BUILDING CODE**

**Sec. 22-13. Setback lines and elevation requirements for residential construction.**

(a) No permanent residential structures, including garages, storage sheds, and related appurtenances, located on a lot with undefined setbacks, whether located inside or outside of a subdivision, shall be constructed nearer than 25 feet to the front property line, nearer than five feet to any side property line, and nearer than 10 feet to any rear or side street property line. Pools and related accessories located on a lot with undefined setbacks, whether located inside or outside of a subdivision, shall not be constructed nearer than five feet to the back property line when no utility easement exists. All accessory structures, pools, air conditioning or pool equipment, and plumbing or electrical lines shall not be located inside of utility easements and public rights-of-way. In addition, all accessory structures such as air conditioning and pool equipment pads shall not encroach more than three feet into the side setback. All habitable structures must be constructed at a minimum of 18 inches above the crown of nearest road or highest adjacent grade. Proof of the required elevation must be documented in a form survey or a FEMA elevation certificate given to the City inspector at the time of the foundation inspection.

(b) When an applicant shows a hardship created by the setback line restriction, if strictly adhered to and when in the opinion of the Zoning Board of Adjustment, a departure may be made without destroying the spirit of the regulation, the Zoning Board of Adjustment may, at its sole discretion, authorize a variance, which shall only apply to the said variance and shall not be construed to be a change to the ordinance of the City.

(c) The fee as determined by City Council, for the processing of variance requests, is due prior to submittal to the Zoning Board of Adjustment. The fee applies to all setback line requests except to preserve a historic location, to preserve trees larger than 19 inches in diameter measured at a point two feet from the ground, unless the encroaching structure was built prior to March 1987 with a valid building permit, or the request is in accordance with section 102-17 of this Code, entitled Variances. A survey, not more than 18 months old, shall be submitted with the variance request. Such survey shall show all existing structures, property lines, easements, and building lines.

#### **Sec. 22-14. General design requirements**

All foundation and framing plans for proposed structures in excess of 250 total square feet must be designed and sealed by a structural engineer licensed to practice in the state of Texas.

#### **Sec. 22-15. International Residential Code adopted.**

For the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, use and occupancy, location, and maintenance of one- and two-family dwellings and townhouses not more than three (3) stories in height as defined by the code, including permits and penalties, there is hereby adopted, except as modified by section 22-16, by and for the City, that certain building code known as the International Residential Code, 2009 edition, including appendices A, B, C, E, G, I, K, M, N, O, and P, adopted by the International Code Council. Such code is published in book form and referred to, incorporated in, and made a part of this section for all purposes. A copy of such code is filed on record in the office of the Building Official and may be obtained from the International Code Council.

#### **Sec. 22-16. Amendments to International Residential Code.**

The International Residential Code, as adopted in section 22-14 is modified as follows:

*Section R112, Board of Appeals*, is amended by revising subsection R112.1 to read as follows:

**R112.1 General.** The Zoning Board of Adjustment shall hear appeals from decisions of the Building Official concerning interpretations of this article and, in every case, shall reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the Building Official or varies the application of any provision of this code, the Building Official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Board and forwarded to the office of the Building Official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant, and a copy shall be kept publicly posted in the office of the Building Official for two (2) weeks after filing. Every decision of the Zoning Board of Adjustment shall be final, with the exception that any interested person aggrieved by a decision of the Board may appeal subject, however, to such remedy as any aggrieved party might have at law or in equity.

*Section R905.7 Wood shingles, is amended as follows:*

Wood shingles are not permitted for use as a roofing material on new residential structures. One square will be allowed vertically for exterior decorative purposes. Existing wood shingle roofs may be repaired using wood shingles when the area to be repaired is less than 25% of the existing total roof area. When approved, wood shingles shall comply with this section.

*Section R905.8 Wood shakes, is amended as follows:*

Wood shakes are not permitted for use as a roofing material on new residential structures. One square will be allowed vertically for exterior decorative purposes. Existing wood shingle roofs may be repaired using wood shingles when the area to be repaired is less than 25% of the existing total roof area. When approved, wood shingles shall comply with this section and Table 1507.8.

*Section R907, Reroofing, is amended by revising subsection R907.1 to read as follows:*

907.1 General. Materials and methods of application used for recovering or replacing an existing roof covering shall comply with the requirements of Chapter 9 of the 2009 International Residential Code.

*Section R301.2.1.1* The basic wind speed, in mph, for the determination of wind loads in building design, shall be 120 mph (three-second gust).

*Permit requirements.* Permits issued by the Building Official shall be required prior to the replacement of all roofs for residential structures located within the city limits. The person, firm, or corporation responsible for obtaining such permits shall provide, at completion, a copy of a Texas Department of Insurance (T.D.I.) report certifying compliance with the building specifications in the Texas Windstorm Insurance Association (T.W.I.A.) Plan of Operation as a condition for obtaining a permit.

**Secs. 22-17--22-30. Reserved.**

**Sec. 22-31. International Building Code adopted.**

For the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, use and occupancy, location and maintenance, of non-residential buildings and structures as defined by the code, including permits and penalties, there is hereby adopted, except as modified by section 22-33, by and for the city, that certain building code known as the International Building Code 2009 edition, including all appendices except for Appendix G, adopted by the International Code Council. Such code is published in book form and referred to, incorporated in and made a part of this section for all purposes. A copy of such code is filed on record in the office of the Building Official and may also be obtained from the International Code Council.

**Sec. 22-32. Elimination of Architectural Barriers adopted.**

Adopted here is Elimination of Architectural Barriers, *Texas Government Code, Chapter 469.*

**Sec. 22-33. Amendments to International Building Code.**

The International Building Code, as adopted by the provisions of section 22-32 is modified as follows:

*Section 113, Board of Appeals, is amended to read as follows:*

113 Board of Appeals. The Zoning Board of Adjustment shall hear appeals from decisions of the Building Official concerning interpretations of this article and, in every case, shall reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Building Official or varies the application of any provision of this code, the Building Official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Board, forwarded to the office of the Building Official, and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant, and a copy shall be kept publicly posted in the office of the Building Official for two weeks after filing. Every decision of the Zoning Board of

Adjustment shall be final, with the exception that any interested person aggrieved by a decision of the Board may appeal subject, however, to such remedy as any aggrieved party might have at law or in equity.

*Section 114, Violations*, is amended to read as follows:

114 Violations. Any person, firm, corporation, or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish, or move any building structure, or has erected, constructed, altered, repaired, moved, or demolished a building structure, in violation of a detailed statement or drawing submitted and permitted there under, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation such person, shall be punished within the limits and as provided by state laws.

*Chapter 16* is amended, to read as follows:

1609.3 Basic wind speed. The basic wind speed, in mph, for the determination of wind loads in building design, shall be 120 mph (three-second gust).

*Section 3002.4, Stretcher Requirements*, is amended to read as follows:

3002.4 Stretcher Requirements. In all structures three or more stories in height, at least one elevator serving all floors shall have a minimum inside car platform 51 x 80 inches with a minimum clear opening width of 42 inches, unless otherwise designed to provide equivalent utility, to allow the entrance and exit of an ambulance stretcher (minimum size 22 x 78 inches) in its horizontal position. This elevator shall be identified. The elevator entrance may be of the side opening entrance type in order to accommodate a stretcher in its horizontal position to accomplish design flexibility.

Exception: In buildings where one elevator does not serve all floors, two or more elevators may be used. Each elevator shall be identified as to which floors are served. In addition, an alternate method to provide adequate stretcher carrying capacity may be approved by the Zoning Board of Adjustment with the approval of the Emergency Medical Services Director.

#### **Sec. 22-34. Moving buildings.**

(a) No building or structure more than eight feet wide or more than 12 feet in length shall be moved in, on, or across any street or alley in the city until the person wishing to move the building or structure has first obtained a permit from the Building Official. No such permit shall be granted until the person wishing to move such building or structure has provided the following:

- (1) A certificate of insurance showing proof of general liability and property damage insurance for the purpose of indemnifying the City and persons against damage to property and persons occasioned by such moving operation in an amount determined sufficient by the Building Official;
- (2) Proof that the proposed structure meets City building and zoning ordinance requirements for new structures; and,
- (3) Notice and approval by the chief of police for the proposed transport route and specific schedule for use of the proposed route before moving the building or structure.

#### **Sec. 22-35. Windstorm and hurricane protection.**

Any person who constructs any structure within the city limits shall adhere to the following requirements for windstorm and hurricane protection:

- (a) The Building Official shall be provided design documentation from a state licensed engineer registered with the Texas Department of Insurance to perform windstorm inspections, for construction, renovation, or modification of all structures over 250 square feet located within the city limits, prior to release of permit. The person, firm, or corporation responsible for permitting shall provide, at completion, a copy of a Texas Department of Insurance (T.D.I.) report certifying compliance with the current building specifications of the Texas Windstorm Insurance Association (T.W.I.A.) Plan of Operation.

(b) Masonry wall tie devices will be of standard galvanized or electroplated materials and installed on 16-inch centers, vertically and horizontally.

(c) All asphalt shingles used in the city shall comply with ASTM D 3161 Class F.

(d) All outdoor mechanical equipment and building components shall be anchored against overturning, uplift, and sliding in a design wind event.

(e) Glazing in all buildings shall be impact-resistant or protected with an impact-resistant covering meeting the requirements of an approved impact-resistant standard or ASTM E 1996 and or ASTM E 1886.

**Sec. 22-36. Marinas and marine structures.**

(a) *In General.* It shall be unlawful, unless specifically provided by this code, for any person, firm, or corporation to place, build, construct, or maintain any pier, piling, post, pipe, or pole in waters within the city limits or to maintain or fail to remove such pier, piling, post, pipe, or pole after receiving notice as hereinafter provided.

(b) *Permit Requirements.* Permits issued by the Building Official shall be required prior to the placing, building, or construction of any pier, piling, post, pipe, or pole in waters within the city limits. Each permit shall be for a specific pole, pipe, post, or piling or for the construction of a pier or other structure at a specific locality within waters of the city, shall specify the dimensions and type of materials to be used, and shall describe the upland condition to which the structure is attached. Such permit shall be issued only upon furnishing of information to the Building Official sufficient to document the permit requested. Compliance with the provisions in the obtaining of a permit shall not relieve any person, firm, or corporation from obtaining authority from any other governmental body for the placing of any facility or structure in the waters of the city, including the U.S. Army Corps of Engineers and the Texas General Land Office.

(c) *Existing Structures.* Any upland owner who has in existence any pole, pipe, piling, post, pier, or other structure in the water area riparian to his land and extending from the shore within the extension of the property lines into the waters of the city for a distance of 300 feet but no more than one-fourth of the waterway from the natural shore, shall immediately comply with any notice from the Building Official and shall comply with permit requirements.

(d) *Marinas, Boat Slips, Fishing Piers, and Bulkheads.* The following regulations (numbers 1-12) shall apply to all marine structure extending into waters from land lying within the city:

- (1) All boat piers and fishing piers are to be reinforced concrete or heavy timber construction.
- (2) Wood piles used to support boat and fishing piers shall be pressure impregnated according to AWPA Standard C18.
- (3) The piles shall be driven to minimum penetration below the mud line equivalent to one-half the length of the cut-off pile.
- (4) All piers shall be designed to withstand a total live load of 100 pounds per square foot.
- (5) All wooden structural members below the walkway level (caps, stringers, braces, etc.) shall be pressure impregnated, according to AWPA Standard C18.
- (6) The primary pier walkway or platform shall be of a minimum elevation of six feet above mean tide level as established in the U.S. Coast and Geodetic Survey benchmark datum.
- (7) Piers constructed inside the breakwater or within protected waters may be built at an elevation lower than six feet.
- (8) All wooden caps, stringers, beams, etc., shall be positively connected to the supporting member in such a manner so as to completely resist their displacement by wave action.
- (9) All hardware is to be hot-dip galvanized in accordance with ASTM Standard A153-61.

(10) All piers are to be designed by an engineer licensed by the state of Texas.

(11) Damaged piers may be rebuilt at their original elevations, provided that at least 75% of the existing pilings are sound. All piers not meeting this requirement shall be removed. This determination shall be made and submitted to the Building Official by a state licensed engineer.

(12) Damaged piers not completely rebuilt shall be completely removed.

**Sec. 22-37. Fire alarm systems.**

Permit requirements. It shall be unlawful for any person to install, alter, repair, or replace any fire alarm system prior to receiving a permit.

**Sec. 22-38. Fire extinguishing systems.**

Permit requirements. It shall be unlawful for any person to install, alter, repair, or replace any fire extinguishing systems prior to receiving a permit.

**Secs. 22-39--22-58. Reserved.**

## ARTICLE III. ELECTRICITY

### DIVISION 1. GENERALLY

**Sec. 22-59. National Electrical Code adopted.**

For the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, use, location, and maintenance of electrical systems and equipment as defined by the code, including permits and penalties, there is hereby adopted, except as modified by section 22-60, by and for the City, that certain building code known as the National Electrical Code, 2011 edition, including all appendices, adopted by the National Fire Protection Association. Such code is published in book form and referred to, incorporated in, and made a part of this section for all purposes. A copy of such code is filed on record in the office of the Building Official and may be obtained from the National Fire Protection Association.

**Sec. 22-60. Amendments to National Electrical Code.**

The National Electrical Code, as adopted by the provisions of section 22-59 is modified as follows:

- (a) The minimum wire size of all lighting and power circuit installations above 100 volts shall be no. 12 wire.
- (b) No aluminum wire shall be used in the city for electrical purposes in residences, apartments, commercial buildings, or other buildings. No aluminum wire shall be used past the supply side of the meter at any premises, except for temporary services and feeders for construction purposes.
- (c) ACF cable without an individual ground wire is not permitted.
- (d) There shall be no EMT conduit in contact with the earth.
- (e) A means of service disconnect shall be provided at the exterior of all buildings or facilities and directly next to the service meter or entry of the service conductors.

**Sec. 22-61. Electrical work to be done only by or under a licensed master electrician.**

(a) *Required.* Except as hereinafter provided, it shall be unlawful for any person to do electrical work within the city unless such person does such electrical work under the supervision, direction, and control of a master electrician licensed under the provisions of this chapter.

(b) *Definitions.* For purposes of this article:

(1) The term "electrical work" means the installing, maintaining, altering, repairing, or erecting of any electrical wiring, apparatus, devices, appliances, fixtures, or equipment for which a permit is required under the terms and provisions of this chapter.

(2) The term "electrical maintenance work" means the keeping in safe repair of any and all electrical installations, apparatus, and equipment. It shall not include the moving and relocation of electrical equipment within a building or in or on the premises. The installation of new and additional electrical work, electrical equipment, or electrical apparatus is not included.

(c) *Work by homeowner.* Nothing in this article shall be construed or operated to prevent any person from doing electrical maintenance work in or on his property where he resides and which he maintains as a homestead. Such homeowner shall not be required to be a licensed electrician, but shall otherwise conform to all other requirements of this article.

**Sec. 22-62. Conflicting provisions.**

In cases of conflict or inconsistency between this article and other ordinances, this article shall prevail.

**Sec. 22-63. Conflict of interest of inspectors.**

The Building Official and his designees shall not work for or be connected or associated with any master electrician, electrical contractor, electrical manufacturer, or wholesale electrical supply company or do any electrical work or electrical design work while employed as an inspector.

**Secs. 22-64--22-80. Reserved.**

**DIVISION 2. ADMINISTRATION AND ENFORCEMENT**

**Subdivision I. In General**

**Sec. 22-81. Right of entry of inspectors; authority to disconnect electrical service.**

The Building Official and any of his designees shall have the right at any reasonable time to enter any building in the discharge of official duties for the purpose of making any inspection, re-inspection, or test of the installation of electrical wiring, apparatus, devices, appliances, fixtures, and electrical equipment contained therein, and shall have the authority to cause the de-energization of all electrical currents and to cut or disconnect in case of emergency any wire where such electrical currents are dangerous to life and property or where such wires may interfere with the work of the Fire Official. The Building Official is hereby empowered in emergencies to disconnect and to order the discontinuance of electrical service to any electrical wiring, apparatus, device, appliance, fixtures, or equipment found to be dangerous to life or property because of its being defective or defectively installed or otherwise not in conformity with the provisions of this article, until such wiring, apparatus, device, appliance, fixtures, and equipment and their installation have been made safe as directed by the Building Official in conformity with this article.

**Secs. 22-82--22-100. Reserved.**

**Subdivision II. Zoning Board of Adjustment\***

**Sec. 22-101. Generally.**

The Zoning Board of Adjustment shall hear all appeals from decisions of the Building Official concerning interpretations of this article and the use of alternate materials and wiring methods.

**Secs. 22-102--22-120. Reserved.**

**Subdivision III. Permits and Inspections**

**Sec. 22-121. Permit required; exemptions.**

(a) It shall be unlawful for any person to install, alter, repair, replace, or remodel any electrical system or equipment regulated by this article, except as specified in subsection (b) of this section, or cause such work

to be done, unless such person has a current permit and license for the work or is working under the supervision of a person having such permit or license.

(b) An electrical permit shall not be required for the following:

- (1) The repair or replacement of existing fixtures, switches, receptacles, or fixed appliances
- (2) Electrical maintenance work, as defined by this article, by personnel authorized to maintain and repair electrical fixtures and apparatus owned by the City

Exemption from the permit requirements of this article shall not be deemed to grant authorization for any work to be done in violation of the provisions of this article or any other laws or ordinances of the City.

**Sec. 22-122. Eligibility for permits.**

No permits shall be issued under any master electrician registration unless the master electrician is in complete compliance with the requirements of this article, or he is employed by an electrical contractor who is in compliance with this article.

**Sec. 22-123. Application for permit; failure to obtain permit.**

(a) The applicant for an electrical permit shall describe the work to be done and shall provide the Building Official a complete set of drawings reflecting the work to be done. The permit, when issued to such applicant, is to cover such work as described and detailed. Any changes or additions must be covered by additional documentation submitted to and approved by the Building Official at the time the changes are made. In addition, it shall be required for the applicant to provide a legend to the plans turned in, and a load analysis for any new construction or additions.

(b) If any person installing, maintaining, altering, repairing, or erecting any electrical wiring, apparatus, devices, appliances, fixtures, or equipment for which a permit is required fails to obtain the permit, the fees specified in the Buildings and Building Regulations Fee Schedule shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this article in the execution of the work.

**Sec. 22-124. Inspections.**

All electrical work as defined by this article shall be inspected and shall conform to this article before any work is done beyond the point of inspection. The Building Official shall determine at which point any electrical work shall be inspected. Upon notification by the permit holder, the Building Official or his designees shall inspect such work and give notice as to whether the work is approved and may be covered, or is not approved and may not be covered until such further inspection as is necessary has been made. Any person removing, destroying, altering, or defacing the notice without the consent of the Building Official or his designees shall be deemed guilty of an offense under this section.

**Secs. 22-125--22-142. Reserved.**

**DIVISION 3. ELECTRICAL FRANCHISE**

**Sec. 22-143. Franchise required for transmission of electrical energy or signals.**

No person or public service company that does not operate under a franchise granted by the City or as otherwise authorized by law shall have the right to install any electrical conduit, wires, ducts, poles, or equipment of any character for the transmission, distribution, or utilization of electrical energy, or for the operation of signals or the transmission of intelligence on, over, or under the streets of the city, without first obtaining from the City Council a franchise, right, or grant for the particular installation, and the installation so made under such franchise or grant shall be in strict conformity with all rules and regulations and ordinances of the City.

**Sec. 22-144. Applicability of power company rules and regulations.**

The rules and regulations for installation of electrical services, wiring, apparatus, and devices governed by the power company having the distribution franchise with the City shall become part of this article as if fully set out in this article. A copy of such rules and regulations shall be kept in the office of the Building Official.

**Secs. 22-145--22-210. Reserved.**

## ARTICLE IV. GAS CODE

**Sec. 22-211. International Fuel Gas Code adopted.**

For the purpose of establishing rules and regulations for the installation of Fuel Gas systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances including heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems, including permits and penalties, there is hereby adopted, except as modified by section 22-212, the International Fuel Gas Code, 2009 edition, including all appendices, adopted by the International Code Council. Such code is published in book form and referred to, incorporated in, and made a part of this section for all purposes. A copy of such code is filed on record in the office of the Building Official and may also be obtained from the International Code Council.

**Sec. 22-212. Amendments to International Fuel Gas Code.**

The International Fuel Gas Code, as adopted by the provisions of section 22-211, is amended as follows:

*Section 108, Violations*, is amended by revising subsection 108.4, Violation Penalties, to read as follows:

108.4 Violation penalties. Any person, firm, corporation, or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish, or move any gas system, or has erected, constructed, altered, repaired, moved, or demolished any gas system, in violation of a detailed statement or drawing submitted and permitted there under, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation, such person shall be punished within the limits and as provided by state laws.

*Section 109, Means of Appeal*, is amended as follows:

109. Means of Appeal. The Zoning Board of Adjustment shall hear appeals from decisions of the Building Official concerning interpretations of this article and, in every case, shall reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Building Official or varies the application of any provision of this code, the Building Official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Board and forwarded to the office of the Building Official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant, and a copy shall be kept publicly posted in the office of the Building Official for two weeks after filing. Every decision of the Zoning Board of Adjustment shall be final, with the exception that any interested person aggrieved by a decision of the board may appeal subject, however, to such remedy as any aggrieved party might have at law or in equity.

**Secs. 22-213--22-240. Reserved.**

## ARTICLE V. MECHANICAL CODE

**Sec. 22-241. International Mechanical Code adopted.**

For the purpose of establishing rules and regulations for the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems, including permits and penalties, there is hereby adopted, except as modified by section 22-242, the International Mechanical Code, 2009 edition, including all appendices, adopted by the International Code Council. Such code is published in book form and referred to, incorporated in and made a part of this section for

all purposes. A copy of such code is filed on record in the office of the Building Official and may be obtained from the International Code Council.

**Sec. 22-242. Amendments to International Mechanical Code.**

The International Mechanical Code, as adopted by the provisions of section 22-241 is modified as follows:

*Section 108, Violations*, is amended to include Section 108.4, Violation Penalties, to read as follows:

108.4 Violation penalties. Any person, firm, corporation, or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish, or move any mechanical system, or has erected, constructed, altered, repaired, moved, or demolished a mechanical system, in violation of a detailed statement or drawing submitted and permitted there under, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws.

*Section 109, Means of Appeal*, is amended to read as follows:

109 Means of Appeal. The Zoning Board of Adjustment shall hear appeals from decisions of the Building Official concerning interpretations of this article and, in every case, shall reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Building Official or varies the application of any provision of this code, the Building Official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Board and forwarded to the office of the Building Official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant, and a copy shall be kept publicly posted in the office of the Building Official for two weeks after filing. Every decision of the Zoning Board of Adjustment shall be final, with the exception that any interested person aggrieved by a decision of the Board may appeal subject, however, to such remedy as any aggrieved party might have at law or in equity.

**Secs. 22-243--22-270. Reserved.**

## ARTICLE VI. PLUMBING

**Sec. 22-271. International Plumbing Code adopted.**

For the purpose of establishing rules and regulations for the installation of Plumbing systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances, including permits and penalties, there is hereby adopted, except as modified by section 22-272, the International Plumbing Code, 2009 edition, including all appendices, adopted by the International Code Council. Such code is published in book form and referred to, incorporated in and made a part of this section for all purposes. A copy of such code is filed on record in the office of the Building Official and may be obtained from the International Code Council.

**Sec. 22-272. Amendments to International Plumbing Code.**

The International Plumbing Code, as adopted by the provisions of section 22-271 is modified as follows:

*Section 108, Violations*, is amended to include Section 108.4, Violation Penalties, to read as follows:

108.4. Violation penalties. Any person, firm, corporation, or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, repair, or replace any plumbing installation, or has erected, constructed, altered, repaired, or replaced a plumbing installation, in violation of detailed statement or drawing submitted and permitted there under, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws.

*Section 109, Means of Appeals, is amended to read as follows:*

109 Means of Appeal. The Zoning Board of Adjustment shall hear appeals from decisions of the Building Official concerning interpretations of this article and, in every case, shall reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Building Official or varies the application of any provision of this code, the Building Official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Board and forwarded to the office of the Building Official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant, and a copy shall be kept publicly posted in the office of the Building Official for two weeks after filing. Every decision of the Zoning Board of Adjustment shall be final, with the exception that any interested person aggrieved by a decision of the Board may appeal subject, however, to such remedy as any aggrieved party might have at law or in equity.

**Sec. 22-273. Enforcement of state plumbing license laws and board rules.**

In addition to the International Plumbing Code, as adopted by section 22-271 of this chapter, the Texas Occupations Code, Title 8, Chapter 1301, including the Texas State Board of Plumbing Examiners Law/Rules as published on September 1, 2011 is hereby adopted as part of the plumbing code for the City. These statutes and rules are published in book form and are referred to, incorporated, and made a part of this section for all purposes.

**Secs. 22-274--22-277. Reserved.**

**Sec. 22-278. Materials for landscape irrigation systems.**

All landscape irrigation systems under constant pressure shall be made up with schedule 40 PVC. Any piping not under constant pressure may be made up with class 200 piping.

**Sec. 22-279. Reserved.**

**Sec. 22-280. Cross-connection control program.**

*(a) Backflow prevention assembly testing.*

(1) All backflow prevention assemblies shall be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester. A test report must be completed by a recognized backflow prevention assembly tester for each assembly tested. The signed and dated original form must be submitted to the City within five working days of the test.

(2) Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Original forms of such tests, repairs, and overhauls shall be kept and submitted to the City within five working days of the test, repair, or overhaul of each backflow prevention assembly.

(3) No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the City. Whenever the existing assembly is moved from the present location or cannot be repaired, the backflow prevention assembly shall be replaced with a backflow prevention assembly or device that complies with this section, the American Water Works Association Manual M14, current edition, University of Southern California Manual of Cross Connection Control, current edition, or the current Plumbing Code of the City, whichever is more stringent.

(4) All backflow prevention assemblies shall be installed in accordance with the manufacturer's instructions, the American Water Works Association Manual M14 or the University of Southern California Manual of Cross-Connection Control.

(5) Test gauges used for backflow prevention assemblies testing shall be calibrated at least annually in accordance with the University of Southern California's Manual of Cross-Connection Control or the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14). The original calibration form must be submitted to the City within five working days after calibration.

(6) A recognized backflow prevention assembly tester must hold a current endorsement from the Texas Commission on Environmental Quality.

(b) *Customer service inspections.*

(1) A customer service inspection shall be completed prior to providing continuous water service to all new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.

(2) Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:

a. Plumbing inspectors and water supply protection specialists that have been licensed by the state board of plumbing examiners.

b. Customer service inspectors who have completed a commission approved course, passed an examination administered by the commission or its designated agent and hold current certification or endorsement as a customer service inspector.

(3) The customer service inspection must certify that the plumbing installation is in compliance with the following requirements:

a. There is no direct connection between the public drinking water supply and a potential source of contamination. Potential sources of contamination are isolated from the public water system by an air-gap or an appropriate backflow prevention device.

b. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.

c. No connection that allows water to be returned to the public drinking water supply is permitted.

d. No pipe or pipe fitting which contains more than 8.0 percent lead may be used for the installation or repair of plumbing at any connection that provides water for human use.

e. No solder or flux that contains more than 0.2 percent lead can be used for the installation or repair of plumbing at any connection which provides water for human use. A minimum of one lead test shall be performed for each inspection.

**Secs. 22-281--22-289. Reserved.**

**Sec. 22-290. International Energy Conservation Code.**

For the purpose of regulating the design, construction, quality of materials, erection, installation, alteration, repair, addition to, use, or maintenance of structures in the city, and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such code, is hereby adopted by and for the City, that certain energy conservation code known as the International Energy Conservation Code, 2009 edition, published by the International Code Council. Such code is adopted and made a part hereof as if fully set out herein. A copy of such code is filed on record in the office of the Building Official and may be obtained from the International Code Council.

**Sec. 22-291. Amendments to International Energy Conservation Code.**

The International Energy Conservation Code, as adopted by the provisions of section 22-290 is modified as follows:

*Section 109, Means of Appeals, is amended to read as follows:*

109 Means of Appeals. The Zoning Board of Adjustment shall hear appeals from decisions of the Building Official concerning interpretations of this article and, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the Building Official or varies the application of any provision of this code, the Building Official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Building Official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the Building Official for two weeks after filing. Every decision of the Zoning Board of Adjustment shall be upheld, with the exception that any interested person aggrieved by a decision of the board may appeal subject, however, to such remedy as any aggrieved party might have at law or in equity.

**Secs. 22-292--22-330. Reserved.**

## **ARTICLE VII. UNSAFE BUILDINGS DANGEROUS BUILDING CODE**

**Sec. 22-331. Created, composition – Building and standards commission.**

There is hereby created the building and standards commission, composed of five members, which shall consist of the members of the Zoning Board of Adjustment, and alternate members of the Zoning Board of Adjustment appointed by city council, who shall serve in the absence of one or more regular members when requested to do so by the city manager/designee. Persons appointed to the Zoning Board of Adjustment shall also automatically be appointed to the building and standards commission, and such appointment shall constitute one position.

**Sec. 22-332. Authority and purpose.**

This article is remedial and essential to the public interest, safety, health, and welfare and it is intended that this article be liberally construed to effectuate its purposes. It establishes minimum standards for the continued use and occupancy of all buildings regardless of the date of their construction. The provisions of this article are hereby adopted pursuant to the City Charter, the Texas Constitution, Article XI, Section 5, and in accordance with V.T.C.A., Local Government Code Chapters 54 and 214.

The purposes of this article include, but are not limited, to the following:

- (1) To establish the minimum standards for the continued use and occupancy of all types of buildings and structures within the city, regardless of the dates of construction, in order to safeguard the public health, safety, and welfare and to protect property.
- (2) To provide the authority to order and direct the method of securing property that is unoccupied by its owners, lessees, or other invitees, which is unsecured from unauthorized entry to the extent that such buildings or structures could be entered or used by vagrants or other uninvited persons or could be entered or used by children and to address related nuisances.
- (3) To provide the authority to address, and direct the method of addressing buildings and structures which, although boarded up, fenced, or otherwise secured in any manner, exhibit conditions that may constitute a danger to the public, even though secured from entry, or the means used to secure the building or structure is inadequate to prevent unauthorized entry or use of the building by vagrants or other uninvited persons or could be entered or used by children. The City may require the building or structure, which endangers the public health and safety of the occupants of said building and structure and the general public, to be vacated, secured, repaired, removed, and/or demolished by the owner and/or the occupants thereof to be relocated.

**Sec. 22-333. Minimum building standards adopted – Investigation.**

Any building or structure whose condition has deteriorated or is operated or maintained in violation of the minimum standards for the continued use and occupancy of all types of buildings and structures within the city, as adopted and established in this article, that may be deemed to be substandard and a hazard to the public health, safety and/or welfare by the building official or employee thereof, building and standards commission, municipal court or district court of Galveston County, Texas, (or jurisdiction where property is situated) is hereby subject to investigation upon presentation of evidence of probable cause to a magistrate by the code enforcement official, fire marshal, health officer or designated employee in accordance with V.T.C.A., Code of Criminal Procedure art. 18.05.

**Sec. 22-334. Dangerous buildings or structures defined.**

Any building or structure, regardless of date of its construction, having any of the following defects, shall be deemed to be substandard and/or unfit for human habitation and as a result, a danger to the public health, safety and welfare and thus, declared to be a dangerous building or structure:

- (1) Any building or structure that has become deteriorated or damaged such that its roof, walls, or flooring is not weathertight and waterproof.
- (2) Any building or structure that is so structurally deteriorated or damaged that it is in danger of collapse or that cannot be expected to withstand reasonably anticipated weather conditions, such as storms or hurricanes.
- (3) Conditions within any building or structure that violate any provision of the City's building, electrical, plumbing, fire, or other such codes or laws of this state, when such nonconformity constitutes a danger to the public health, safety, and welfare.
- (4) Any unsafe or defective electrical wiring, devices or equipment, or unsafe or defective gas piping or appliances which are apt to cause or promote fires.
- (5) Light, air or sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings occupying the premises.
- (6) Dilapidated, decayed, unsafe, unsanitary, or substandard conditions or any condition that fails to provide amenities essential to decent living so that the premises are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the public health, safety, and welfare.
- (7) Buildings and structures, regardless of their structural condition, that have been, during times that they were not actually occupied by their owners, lessees or other legal invitees, left unsecured from unauthorized entry to the extent that they may be entered by vagrants or other uninvited persons as a place of harborage or could be entered by children.
- (8) Buildings and structures, which are secured by a means inadequate to prevent unauthorized entry or use in the manner described in paragraph (6) above.
- (9) A wall or other vertical member that lists, leans or buckles to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- (10) Exclusive of the foundation, 33 percent or more damage or deterioration to the supporting member or members or 50 percent of damage or deterioration to the nonsupporting enclosing or outside walls or coverings.
- (11) An improperly distributed load upon the floor or roof, or an overloaded roof or floor, or a floor or roof with insufficient strength to be reasonably safe for the purpose used.
- (12) Inadequate facilities for egress in case of fire or panic or insufficient stairways, elevators, doors, aisles, passageways or fire escapes.
- (13) When a building which is partially constructed has not had any significant construction work done on it in the preceding six months, and it is not secured by a fence or other means to prevent children and vagrants from entering the building.

**Sec. 22-335. Declaration of nuisance; conduct prohibited.**

Any building or structure which has any or all of the conditions or defects described above in section 22-334, where such condition or conditions pose a threat or potential threat to life, health, property, or human safety; or conditions caused by accumulation of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents is hereby declared to be a public nuisance, is prohibited as unlawful, and shall be abated according to provisions of this division. It is an offense for an owner or occupant or other person having control of the building, structure or property to fail to abate such public nuisance. Therefore failure to abate such condition may also be prosecuted as a criminal misdemeanor offense. It is a further offense and unlawful for any person to cause, permit, or allow a dangerous building or nuisance condition after the thirtieth day after the date on which the building and standards commission finds a condition of nuisance and orders abatement, or after such extended date as may be lawfully permitted by the building and standards commission.

**Sec. 22-336. Commencement of proceedings.**

(a) When the Building Official has determined that a building is a dangerous building, he will set a date and time for a public hearing before the building and standards commission to determine if the building complies with the minimum standards established in this article. The Building Official may seek voluntary compliance with the owner, lienholder or mortgagee of the building before seeking a hearing before the building and standards commission. If the Building Official receives voluntary compliance from the owner, lienholder or mortgagee, a public hearing is not required.

(b) In addition, in accordance with V.T.C.A., Local Government Code § 214.0011, the Building Official may secure a building if it is determined it violates the minimum standards for use and occupancy of the building and is unoccupied or is occupied only by persons who do not have a right of possession if:

(1) Before the 11<sup>th</sup> day after the building is secured, the owner is given notice in accordance with V.T.C.A., Local Government Code § 214.0011(c); and

(2) The building and standards commission conducts a hearing within 20 days after a request for hearing is filed by the owner, provided said request for hearing is filed within 30 days after the building is secured.

**Sec. 22-337. Notice of hearing before the building and standards commission.**

(a) Notice of all proceedings before the building and standards commission shall be given on or before the tenth day before the date fixed for hearing:

(1) By personal delivery, by certified mail, return receipt requested, to the record owners of the affected property sent to the last known address, and each mortgagee, lienholder and each holder of a recorded lien against the affected property, as shown by the records of the county clerk of the county in which the affected property is located if the address of the lienholder can be ascertained from the deed of trust establishing lien or other applicable instruments on file in the office of the county clerk.

(2) To all unknown owners by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front as practicable.

(3) The notice shall be mailed and posted before the tenth day preceding the date of the hearing before the building and standards commission and must state the date, time, and place of the hearing. In addition, the notice must be published in a newspaper of general circulation in the city on one occasion before the tenth day preceding the date fixed for the hearing.

(4) The notice shall contain the following:

a. The name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the Galveston County Clerk (or county where the real property is primarily situated).

b. An identification, which is not required to be a legal description of the building and the property on which it is located.

- c. A description of the violation of the municipal standards that is present at the building.
- d. A statement that the city will vacate, secure, remove, repair or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.
- e. A statement that the owner, lienholder, or mortgagee will be required to submit proof, at the hearing, of any work that may be required to comply with the article and the time it will take to reasonably perform the work.
- f. The time, date, and place of the hearing.

(5) In addition, if the city files a notice in the official public records of real property for Galveston County, Texas, (or county where the real property is primarily situated) pertaining to the hearing, as set forth above, the notice shall bind all subsequent holders of interest in the property, according to state law.

#### Sec. 22-338. Functions.

The building and standards commission may:

- (1) Order the repair, within a fixed period, of buildings found to be in violation of this article.
- (2) Declare a building substandard in accordance with the powers granted by this article.
- (3) Order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of this article, and order action to be taken as necessary to remedy, alleviate, or remove any substandard building found to exist.
- (4) Issue orders or directives to any peace officer of the state, including a sheriff or constable or the chief of police of the municipality, to enforce and carry out the lawful orders or directives of the building and standards commission.
- (5) Determine the amount and duration of the civil penalty the City may recover in accordance with V.T.C.A., Local Government Code § 54.017. A determination of the subject civil penalty is final and binding and constitutes prima facie evidence of such penalty in a court of competent jurisdiction in a civil suit brought by the city for final judgment and may be enforced by the city secretary filing with the district clerk of Galveston County, Texas, a certified copy of the order of the building and standards commission establishing the amount and duration of the penalty.

#### Sec. 22-339. Standards for repair, vacation or demolition.

- (a) *Ordered repaired.* If the dangerous building can be feasibly repaired or the condition remedied so that it will no longer exist in violation of this code, it will be ordered remedied or repaired. Repairs are feasible only if less than 50 percent of the structure of the building must be repaired or replaced or the value of the structure is reduced by less than 50 percent because of the violations. Value may be determined by comparing the most recent valuation for the building by the Galveston County Tax Appraisal District, (or county where the dangerous building is situated) with the valuation of the building two years prior to the most recent valuation by the Galveston County Tax Appraisal District.
- (b) *Ordered vacated and secured.* If the dangerous building is in such a condition as to make it hazardous to the health, safety, or general welfare of its occupants or the public, it will be ordered vacated and secured. To prevent illegal access to the dangerous building, fencing and securing of all openings to the structure(s) will be required. Fencing requirements include a fence that is at least six feet high with all sections or panels connected. Posts for the fence must be in the ground at least 1.5 feet or have a base of equal dimension, as determined by the Building Official. Coverings of all openings must be with one-half-inch CDX plywood or equivalent, and must be screwed in place with 1.5 inch galvanized construction screws or better, the sufficiency of which shall be determined by the building official.
- (c) *Ordered demolished.* If more than 50 percent of a building is damaged, decayed or deteriorated, it will be ordered demolished or removed, unless the building and standards commission determines that the

building can be feasibly repaired or the condition remedied. If a building cannot be repaired, it will be ordered demolished.

**Sec. 22-340. Building and standards commission – Hearing.**

In a public hearing to determine whether a building complies with the standards set out in this article the owner, lienholder, mortgagee, manager or occupant has the burden of proof to demonstrate the scope of work that may be required to comply with this article and the time it will take to reasonably perform the work. After a public hearing, if a building is found to be in violation of this article, the building and standards commission may:

- (1) Enter in the minutes its findings that the building, or use thereof:
  - a. Is in violation of the minimum standards of this article in specified instances;
  - b. Is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety and welfare;
  - c. Is structurally sound but is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;
  - d. Is structurally sound, boarded up, fenced, or secured but constitutes a danger to the public or the means used to secure the building are inadequate to prevent unauthorized entry or use of the building by vagrants, children, or other uninvited persons;
  - e. Violates the minimum standards of this article and is unoccupied or is occupied only by persons who do not have a right of possession; or
  - f. Is dangerously damaged or deteriorated or is likely to endanger persons or property.
- (2) Make an order that:
  - a. The building be secured from unauthorized entry.
  - b. The building be repaired, removed or demolished.
  - c. The building be vacated in whole or in part.
  - d. Any or all occupants be relocated.
  - e. Such other requirements deemed reasonably necessary.
- (3) Time limits.
  - a. An order shall require that a building shall be secured within 30 days.
  - b. An order shall require that a building must be repaired, removed or demolished within 30 days unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days.
  - c. If the building and standards commission allows the owner, lienholder, mortgagee, manager or occupant more than 30 days to repair, remove or demolish the building, the building and standards commission shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, mortgagee, manager or occupant to secure the property in a reasonable manner from unauthorized entry while the work is being performed.
  - d. The building and standards commission may not allow the owner, lienholder, mortgagee, manager or occupant more than 90 days to repair, remove or demolish the building or fully perform all work required to comply with the order of the building and standards commission unless the owner, lienholder, mortgagee, manager or occupant:

1. Submits a detailed plan and time schedule for the work at the hearing; and
2. Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

e. If the building and standards commission allows the owner, lienholder, mortgagee, manager or occupant more than 90 days to complete any part of the work required to repair, remove or demolish the building, the building and standards commission shall require the owner, lienholder, mortgagee, manager or occupant to regularly submit progress reports to the building and standards commission to demonstrate that the owner, lienholder, mortgagee, manager or occupant complied with the time schedules established by the building and standards commission for commencement and performance of the work. The order may require that the owner, lienholder, mortgagee, manager or occupant appear before the hearing panel to demonstrate compliance with the schedules.

f. If the owner, lienholder, or mortgagee owns property, including structures or improvements on property, within the municipal boundaries that exceeds \$100,000.00 in total value, the building and standards commission may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing the building as provided for under V.T.C.A., Local Government Code § 214.001(k).

g. Should an owner fail to comply with an order of the building and standards commission to repair, remove or demolish a building, the commission may assess civil penalties against such owner upon notice and hearing. Such notice shall be given at least 10 days prior to the hearing to determine whether or not civil penalties should be assessed.

**Sec. 22-341. Procedure after hearing.**

After the hearing before the building and standards commission, the City shall deliver a copy of the order by personal delivery or by certified mail, return receipt requested, to the record owners of the affected property and to any lienholder or mortgagee of the affected property. Within 10 days after the date the order from the building and standards commission is issued, the city will:

- (1) File a copy of the order in the office of the city secretary; and
- (2) Publish in the city's official newspaper a notice containing:
  - a. The street address or legal description of the property;
  - b. The date of the hearing;
  - c. A brief statement indicating the results of the hearing or order; and,
  - d. Instructions stating where a complete copy of the order may be obtained.

**Sec. 22-342. Enforcement – Expenses.**

(a) If an owner does not take the action ordered by the building and standards commission within the allotted time, the code enforcement official shall promptly mail by certified mail, return receipt requested, a copy of the order to any lienholder or mortgagee of the building not previously served with the order.

(b) If the owner, lienholder, mortgagee, manager or occupant should fail to comply with an order of the building and standards commission, the building and standards commission may, in addition to any other actions or remedies in this article, authorize the City to:

- (1) Vacate, secure, remove or demolish the building.
- (2) Relocate the occupants.
- (3) Repair the building to the extent necessary to bring the building into compliance with the minimum standards as provided herein.

(c) The building and standards commission, after the expiration of the time allotted at the public hearing, may authorize the code enforcement official to cause the repairs to a building only to the extent necessary to bring the building into compliance with the minimum standards and only if the building is a residential building with ten or fewer dwelling units.

(d) The building and standards commission may assess all expenses incurred by the city pursuant to the foregoing provisions against the owner of the property and the property. Said assessment of expenses shall constitute a privileged lien on the property subordinate only to tax liens and previously recorded bona fide mortgage liens, unless the property is a homestead protected by the Texas Constitution in accordance with V.T.C.A., Local Government Code Chapters 214 and 54. The city manager/designee is authorized to execute and file such lien(s) for all expenses incurred by the city in this regard.

(e) The building and standards commission by order, may assess and recover a civil penalty against the property owner in an amount not to exceed \$1,000.00 per day for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount not to exceed \$10.00 per day for each violation, if the city proves:

(1) The property owner was notified of the requirements of this article and the owner's need to comply with the requirements; and

(2) After notification, the property owner committed an act in violation of this article or failed to take an action necessary for compliance with this article.

(f) The city council hereby finds and declares that the general administrative expenses of inspecting buildings, conducting hearings, issuing notices and orders, together with associated administrative functions, require the reasonable charge of \$300.00 for each lot, adjacent lots under common ownership or tract of land. Such minimum charge is hereby established and declared to be the charge for such administrative expenses to be assessed in each instance where the building and standards commission determines that the building or structure is a dangerous building and the city has been required to proceed with notice and hearing as provided for in section 22-337, together with any additional charges as delineated in subsection 22-342(g). Notwithstanding any tabulation of recorded costs, a charge of \$300.00 is hereby expressly stated to be the minimum charge, unless otherwise determined by the building and standards commission. Further, the cost of securing, repairing, demolishing the building or buildings, either by the city or by persons doing so under contract with the City, shall be separately calculated and assessed in each instance where the city secures, repairs, demolishes or causes the demolition of a building or buildings pursuant to this article.

(g) Any case referred to the building and standards commission for consideration shall also have attached as costs all expenses incurred by the city to research ownership and mortgagee/lienholder interests, as such research is required by state law to fix enforceable orders and liens. The City shall certify all administrative expenses and costs of securing, repairing, or demolishing a building or buildings by the City or by persons doing so under contract with the City, as a charge which shall be assessed to the owner thereof, and which shall constitute a lien on the land on which the building or buildings are or were situated. Such charge shall bear interest at the rate of 10 percent per annum until paid.

(h) If an order has been issued pursuant to this article for the repair, securing or demolition of a building or buildings and the City has let a contract for such work, and the building or buildings are subsequently repaired, secured or demolished by the owners prior to completion of the contracts let by the City, the administrative expenses and all costs for cancellation of the contract shall be certified as a charge which shall be assessed against the owners thereof, and which shall constitute a lien on the land on which the building or buildings are or were situated. Such charge shall bear interest at the rate of 10 percent per annum until paid.

(i) Upon a finding by the building and standards commission that a building is dangerously damaged or deteriorated, or is likely to endanger persons or property, the Code Enforcement Official may place a placard notice on all dwelling units which the building and standards commission has determined to be dangerously damaged or deteriorated, or likely to endanger persons or property, with the following language:

DO NOT ENTER  
UNSAFE TO OCCUPY  
IT IS A MISDEMEANOR TO OCCUPY THIS BUILDING  
OR TO REMOVE OR DEFACE THIS NOTICE.  
BUILDING OFFICIAL  
CITY OF LEAGUE CITY, TEXAS

**Sec. 22-343. Offenses.**

It is unlawful for the owner, occupant, lessees or manager of a building governed by this article to:

- (1) Permit a building to be in violation of any provision of this article;
- (2) Permit a building to exist in a dilapidated or substandard condition, or condition unfit for human habitation and a hazard to the public health, safety, and welfare;
- (3) Permit a building to be unoccupied and unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;
- (4) Permit a building that is boarded up, fenced or otherwise secured to:
  - a. Constitute a danger to the public; or
  - b. Have inadequate means to secure the building from unauthorized entry or use.
- (5) Permit a building to be occupied only by persons who do not have a right of possession and violate any provision of this article; or
- (6) Permit a building to exist in a dangerously damaged or deteriorated condition or in a condition likely to endanger persons or property.

**Sec. 22-344. Demolition regulations extended to cover site clearance, leveling and grading.**

(a) In addition to the building regulations contained in this article, the regulations concerning the demolition of buildings and permits therefore are extended to cover and include, at the expense of the owner that:

- (1) All debris must be removed from the property, all holes or depressions in the ground must be filled to grade level.
- (2) The grading and leveling and clearance of the site of the demolition where the removal of structures makes such grading, leveling or clearance necessary, or where such grading, leveling or clearance is necessary to protect adjacent property for the public safety. The grading and leveling shall include appropriate fill to insure proper drainage, and a permit shall be secured for any fill work as provided by City Code.
- (3) All lumber, pipes and all other building materials must be removed from the property.
- (4) All pipes and conduits must be removed from above grade and must be removed or sealed below grade.
- (5) All piers, pilings, steps, slabs/foundations, and other appurtenances must be removed from the property.

(b) Each person having an interest in the building or control over the property on which the building stood prior to removal or demolition is individually responsible for completing this work.

**Sec. 22-345. Disconnecting public utilities.**

The code enforcement official may request that public utilities be disconnected in order that demolition or other nuisance abatement actions may be accomplished without delay in those cases where the structure is

open, vacant, dilapidated, or subject to any of the conditions defining public nuisance in this article. All cost incurred by the city in this regard shall be assessed against the owner of the subject property.

**Sec. 22-346. Building and standards commission other remedies; Chapters 54 and 214, Texas Local Government Code.**

Nothing in this article shall preclude the City's pursuit of any and all other remedies allowed under civil and criminal law, or in equity, to address conditions which are treated in this article, under the theory of public nuisance and the abatement of dangerous buildings or structures. Neither shall the City be required, nor prohibited, to issue criminal citations before, after, or during any proceeding prescribed in this article.

Specifically, in addition to the provisions in this article and remedies afforded under V.T.C.A., Local Government Code Chapter 214, Municipal Regulation of Structures, the city further asserts full authority to exercise its right to remedy under all provisions of the Texas Local Government Code, including, but not limited to, Chapter 54, Subchapter B, Municipal Health and Safety Ordinances, in prosecution of civil suits for enforcement, injunctive relief, and civil penalties to remedy conditions of public concern described in this article.

**Sec. 22-347. Appeal to district court under substantial evidence rule; lien priority.**

(a) Any owner, lienholder, or mortgagee of record, aggrieved by an order of the building and standards commission under this division may file in district court a verified petition setting forth that the decision is illegal, in whole or part, and specifying the grounds of the illegality. The petition must be filed within 30 calendar days after the respective dates a copy of the final decision of the building and standards commission is mailed to them by certified mail, return receipt requested, or such decision shall become final as to each of them upon expiration of each such 30-calendar-day period.

(b) In any judicial contest challenging the City's rights under this article, the City shall pursue recovery of its attorney's fees as allowed by the Texas Local Government Code.

(c) An aggrieved party's appeal from an order of the building and standards commission, when made to the district court, shall be limited, according to law, to a hearing under the substantial evidence rule, where under the court may reverse or affirm, in whole or part, the building and standards commission's decision. Accordingly, costs may not be allowed against the City.

(d) The lien securing payment of civil penalties or the costs of repairs, removal, or demolition, as the case may be, is inferior only to any previously and duly recorded bona fide mortgage liens, as prescribed by state law. The City's lien is superior to all other previously recorded judgment liens, and shall accrue interest at the rate of 10 percent per annum, or as allowed by law, from the date of assessment until paid in full.