

**CITY OF Bevil Oaks, Texas**

**ORDINANCE NO. 254**

**AN ORDINANCE OF THE CITY OF BEVIL OAKS, TEXAS ADOPTING THE 2018 EDITION OF THE INTERNATIONAL BUILDING CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES IN THE CITY OF BEVIL OAKS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO. 239 OF THE CITY OF BEVIL OAKS, TEXAS AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.**

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

**Section 1.**

- A. International Building Code: That a certain document, three (3) copies of which are on file in the office of the City Secretary of Bevil Oaks, being marked and designated as the International Building Code, 2018 edition, including Appendix Chapters [FILL IN THE APPENDIX CHAPTERS BEING ADOPTED] (see International Building Code Section 101.2.1, 2018 edition), as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Bevil Oaks, in the State of Texas for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the City of Bevil Oaks are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.
- B. International Residential Code (1 & 2 Family Dwellings (2018 edition)): For purposes defined by this Code, it is hereby adopted as the applicable code for the City of Bevil Oaks, Texas for regulating and governing conditions contained therein and each and all of the regulations, provisions, penalties, conditions and terms of said Code on file in the office of the City of Bevil Oaks are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance or of various amendments to this Ordinance.

- C. International Plumbing Code (2018 edition): For purposes defined by this Code, it is hereby adopted as the applicable code for the City of Bevil Oaks, Texas for regulating and governing conditions contained therein and each and all of the regulations, provisions, penalties, conditions and terms of said Code on file in the office of the City of Bevil Oaks are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance or of various amendments to this Ordinance.
- D. International Fuel Gas Code (2018 edition): For purposes defined by this Code, it is hereby adopted as the applicable code for the City of Bevil Oaks, Texas for regulating and governing conditions contained therein and each and all of the regulations, provisions, penalties, conditions and terms of said Code on file in the office of the City of Bevil Oaks are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance or of various amendments to this Ordinance.
- E. International Mechanical Code (2018 edition): For purposes defined by this Code, it is hereby adopted as the applicable code for the City of Bevil Oaks, Texas for regulating and governing conditions contained therein and each and all of the regulations, provisions, penalties, conditions and terms of said Code on file in the office of the City of Bevil Oaks are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance or of various amendments to this Ordinance.
- F. International Existing Building Code (2018 edition): For purposes defined by this Code, it is hereby adopted as the applicable code for the City of Bevil Oaks, Texas for regulating and governing conditions contained therein and each and all of the regulations, provisions, penalties, conditions and terms of said Code on file in the office of the City of Bevil Oaks are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance or of various amendments to this Ordinance.
- G. International Fire Code (2018 edition): For purposes defined by this Code, it is hereby adopted as the applicable code for the City of Bevil Oaks, Texas for regulating and governing conditions contained therein and each and all of the regulations, provisions, penalties, conditions and terms of said Code on file in the office of the City of Bevil Oaks are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance or of various amendments to this Ordinance.
- H. International Energy Conservation Code (2018 edition): For purposes defined by this Code, it is hereby adopted as the applicable code for the City of Bevil Oaks, Texas for regulating and governing conditions contained therein and each and all of the regulations, provisions, penalties, conditions and terms of said Code on file in the office of the City of Bevil Oaks are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance or of various amendments to this Ordinance.

- I. International Property Maintenance Code (2018 edition): For purposes defined by this Code, it is hereby adopted as the applicable code for the City of Bevil Oaks, Texas for regulating and governing conditions contained therein and each and all of the regulations, provisions, penalties, conditions and terms of said Code on file in the office of the City of Bevil Oaks are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance or of various amendments to this Ordinance.
- J. International Swimming Pool and Spa Code (2018 edition): For purposes defined by this Code, it is hereby adopted as the applicable code for the City of Bevil Oaks, Texas for regulating and governing conditions contained therein and each and all of the regulations, provisions, penalties, conditions and terms of said Code on file in the office of the City of Bevil Oaks are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance or of various amendments to this Ordinance.
- K. NFPA 70 National Electric Code (2017 edition): For purposes defined by this Code, it is hereby adopted as the applicable code for the City of Bevil Oaks, Texas for regulating and governing conditions contained therein and each and all of the regulations, provisions, penalties, conditions and terms of said Code on file in the office of the City of Bevil Oaks are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance or of various amendments to this Ordinance.
- L. Wildland-Urban Interfact Code (2018 edition): For purposes defined by this Code, it is hereby adopted as the applicable code for the City of Bevil Oaks, Texas for regulating and governing conditions contained therein and each and all of the regulations, provisions, penalties, conditions and terms of said Code on file in the office of the City of Bevil Oaks are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance or of various amendments to this Ordinance.

## **Section 2.**

- A. The Sections defining the jurisdiction for each of the Codes listed in Section 1 of this ordinance are hereby defined as "The City of Bevil Oaks, Texas".
- B. The Sections defining or requiring date of that the respective Codes shall take effect and be capable of enforcement are hereby defined as the date of passage of this ordinance.

**Section 3.** That redundant sections of coverage contained in **ORDINANCE** No. 239 of **CITY OF BEVIL OAKS** and in conflict herewith are hereby repealed.

## **Section 4. ADMINISTRATION:**

### **A. Building Permit Application**

- 1. Applicant for a building permit shall submit the following documentation To council for review and approval:

- i. Plans and specifications
- ii. Survey including elevation certification (elevation of proposed construction must meet the flood plain minimum requirements as set forth in current flood plain Ordinance, e.g. Ordinance 251)
- iii. Flood Plain Permit is also applicable and must be obtained by the applicant/contractor prior to beginning of site preparation, i.e.; timber removal, landfill, etc.

B. Contractor requirements

1. All prime/general contractors or sub-contractors must obtain individual permits to work inside the city limits of Bevil Oaks. Contractors must be bonded and certified and must provide Certificate of Liability, with Certificate Holder as City of Bevil Oaks, before permit can be granted. The liability insurance limits and bond requirements are as follows:
  - i. Liability insurance limits: One Million Dollars (\$1,000,000) per occurrence.
  - ii. Bond: Minimum Bond shall be \$2,500 or no less than  $\frac{1}{4}$  of the total project costs.
2. City must have on record the following for each contractor or sub-contractor:
  - i. Name, Address, Telephone Number of Contractor(s)
  - ii. Name, Address, Telephone Number of Insurance and Bond provider
3. A building permit will not be issued until the above-listed requirements have been met
4. Temporary utilities will not be authorized until such time as the building permit has been approved.

C. Inspections

1. All work performed must be inspected. All work performed must be inspected in accordance with the International Building Code Council's Menu of Code Ordinance requirements and all inspections must be performed by State licensed inspectors. Cost of inspections is the expense of the contractor/permit applicant. The City must be furnished with a copy of all inspections.
2. A fee schedule is hereby adopted as defined in Section 5
3. Electrical Inspections: To the extent a homeowner, who actually resides in the residence at issue, performs electrical work and requests the City execute an electrical permit to initiate electrical service, the homeowner must obtain written confirmation from a licensed electrician that he/she has inspected the installed electrical system and that complies with the Electrical and Building Codes as adopted in this Ordinance. The confirmation must be on the company's letterhead, contain the electrician's license number and specifically refer to the date(s) of the inspection(s).

D. Certificate of Occupancy/Completion Certificate

1. The City of Bevil Oaks will not issue a certificate of occupancy for new construction or a completion certificate for remodeling of an existing structure until all inspections have been completed and the City has received proof that all work performed has been done in accordance with the International Code Council of Ordinances adopted by the City of Bevil Oaks.



#### E. Maintenance of Construction Site

1. During the construction period, it is the obligation of the applicant/contractor(s) to maintain the construction site appropriately so as to not violate Ordinance # 192 of the City of Bevil Oaks and or any other requirements of the International Code Council of Ordinances adopted by the City of Bevil Oaks.

#### F. Enforcement – Stop Work Orders

1. Whenever any work is being done contrary to the provisions of this Ordinance or the technical codes or to a permit issued or to other pertinent laws or regulations the building official or Code Enforcement Officer may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work. Whenever any work has been stopped for one or more of the reasons above, an investigative fee charged at an hourly inspection rate as listed in Appendix A shall be paid to the City for investigation, supervisory costs, and record keeping before any work pertaining to the stop work order can again commence. Any person who shall knowingly proceed to do construction-related work in violation of any stop work order shall be guilty of a misdemeanor.

### **Section 5. PERMIT FEES:**

*A. Schedule of fees.* The following fees shall be charged for the work shown. Other fees may be required under other ordinances. In the event that a permit is to be issued for work not shown below, a fee shall be charged based upon a category of work shown which most nearly resembles the work intended. The permit fees listed may be doubled if work is started prior to the permit being issued.

*B. Investigation fee.* Any person who commences any work on any building or structure; or any electrical, gas, plumbing, or mechanical system before obtaining the necessary permits shall be subject to an investigation fee equal to the fee included in the permit fee schedule. The investigation fee shall be in addition to the regular permit fee.

*C. Contractor registration .* It shall be unlawful for any person who is not registered by the City as a fence, sign, concrete, electrical, plumbing, mechanical, irrigation, house moving, fuel tank installer, maintenance worker for apartments (plumbing/mechanical), or general contractor to secure a permit as provided for in this code, except that homeowners may obtain permits to perform work at a residence for which they have a homestead tax exemption and in which they live, without being registered or without the requirement of hiring a registered contractor.

(1) *Method of registration.* To register with the City as a contractor, application shall be made in writing on forms furnished by the building official for that purpose along with the registration fee as required in this section.

(2) *Contractor registration renewal.* Every contractor registration provided for in this code shall expire one year following the date of its issuance and shall be renewed by the building official upon application and upon the payment to the City of the required renewal fee.

(d) *Refunds .* The building official shall authorize the refunding of fees as follows:

- (1) The full amount of the fee paid hereunder that was erroneously paid or due to extenuating circumstances as approved by the code official.

(2) Not more than eighty (80) percent of the permit fee paid when no work or inspection has been done under a permit issued in accordance with this code.

(3) The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

(e) Combination permit fees (building, electrical, plumbing, and mechanical). The general contractor shall obtain a combination permit for all construction requiring inspection by more than one trade inspector (Appendix A). Subcontractors are not required to obtain separate permits when serving as the registered subcontractor for a combination permit. Each subcontractor working under a general contractor's combination permit shall notify the inspections department and submit all required information prior to any inspection. Separate permits are required for drive approaches, fences, signs, fire sprinklers, fire alarms, fire mains and hydrants, on-site utilities, irrigation systems, retaining walls, construction trailers, pools, fuel tanks, electric door locks, electric gate controllers, and solar energy systems.


**Section 6.** That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The **CITY COUNCIL** hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 7.** That nothing in this legislation or in the Codes hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

**Section 8.** This ordinance shall be published and become effective in accordance with state law. READ, CONSIDERED, PASSED, AND APPROVED ON FIRST READING by the City Council at a regular meeting the 22 day of October, 2020, at which a quorum was present.

READ, CONSIDERED, PASSED, AND APPROVED ON SECOND AND FINAL READING by the City Council at a regular meeting the 22 day of October, 2020, at which a quorum was present.

Attest: City of Bevil Oaks, Texas.

  
City Secretary

  
Mayor