

ORDINANCE 63 B
BAYSIDE RESIDENTIAL CODES

AN ORDINANCE REGULATING THE BUILDING, PLUMBING, ELECTRICAL, CONSTRUCTION, AND OCCUPANCY OF ALL RESIDENTIAL STRUCTURES AND BUILDINGS IN THE CITY OF BAYSIDE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; PROVIDING PENALTIES FOR THE VIOLATION WHEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF BAYSIDE:

ARTICLE I
PURPOSE

The purpose of this code is the practical safeguarding of persons and property. These codes are to be considered the minimum requirements for all types of construction in the City of Bayside. The City Building Official is assigned the responsibility of building trade code licensing, permitting, interpretation and enforcement.

ARTICLE II
GENERAL

SEC. 1 An ordinance of Town of Bayside adopting the 2000 edition of the *International Residential Code*, regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses in the Town of Bayside; providing for the issuance of permits and collection of fees; repealing Ordinance No. 20 of the Town of Bayside and all other ordinances and parts of the ordinances in conflict therewith. THE CITY COUNCIL OF THE TOWN OF BAYSIDE DOES ORDAIN AS FOLLOWS:

SEC. 2 That certain documents, two (2) copies of which are on file in the office of the Town of Bayside being marked and designated as *International Residential Code*, including Appendix Chapters (A, B, C, E, G, H, I, and J [See *International Residential Code* Section R102.5, 2000 edition]), as published by the International Code Council and is hereby adopted as the code of the Town of Bayside for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one and two-family dwellings and townhouses not more than three stories in height in the Town of Bayside and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such *International Residential Code*, 2000 edition, published by the International Code Council on file in the office of the Town of Bayside are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

SEC.3 That Ordinance No. 20 of the Town of Bayside entitled *Building Codes* and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEC. 4 That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Town of Bayside hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SEC. 5 That the city secretary is hereby ordered and directed to cause notification of this ordinance to be published in the city official newspaper before adoption.

SEC. 6 That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect after the date of its final passage and adoption.

SEC. 7. DEFINITIONS. The purpose of including definitions in this Ordinance is to simplify the working of the Ordinance; and to give the meaning of technical terms; and to eliminate ambiguities. Words that are in common usage are not defined herein, but may be found in a Standard English dictionary. Words used in the present tense include the future; words in the singular include plural; and words in the plural include the singular. The word "building", includes the word "structure. The word "shall" or the word "must" is mandatory and not discretionary.

ACCESSORY BUILDING OR STRUCTURE. A building which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the uses of the principal building. Any portion of a principal building used for an accessory use shall not be considered to be an accessory building. A structure which might otherwise be considered an accessory building, but which is connected to the principal structure by a breezeway or other extension of the principal structure containing a functional roof and floor shall, for the purposes of this ordinance lose its status as an accessory building; become part of the principal structure; and, shall be subject to all restrictions applicable to a principal structure. Accessory buildings, structures, or uses include, but are not limited to, the following: a private garage for automobile storage, tool shed or barn, home occupation, guesthouse, greenhouse as a hobby (no business), home workshop, children's playhouse, storage building, garden shelter, private swimming pool, tennis court, etc.,

ADDITION: An enclosed space added to an existing dwelling unit which will be habitable living space. The addition must have a roof and walls. Specifically excluded are decks and unenclosed porches.

ALTERATIONS: Any change, addition or modification in construction, including any change in structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

ANIMAL ENCLOSURE: Any fence or structure or device used to restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, pool, or hutch.

ANCHORING SYSTEM: A combination of ties, anchoring equipment and ground anchors that will, when properly designed and installed, resist overturning or lateral movement of a structure from wind.

APPROVED: Under the terms of this ordinance means having paid all permit fees and receiving the written approval of the City Official, or appropriate Inspector, as the result of an investigation and, if necessary, tests conducted by the City Official or appropriate enforcement administrator of the City.

BUILDING: Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings or vehicles situated on private property. "Building" does not include a mobile home or other accessory awnings, cabanas, carports and ramadas which are portable and are designed to be readily assembled and disassembled and adapted to transportation.

BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the proposed finished grade along the front of the building to the highest point of roof surfaces of a flat roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip or gambrel roof. In the case of a boathouse or other structure located over the water, the building height shall be measured from the water level or elevation as defined in this section in the definition of shoreline.

BUILDING, ACCESSORY: A detached building, subordinate in area, extent or purpose to the principal building or use of which is incidental and related to that of the principal building or use of the premises and located on the same lot as the principal building or use.

BUILDING INSPECTOR: The person designated by the City Council to be responsible for the administration of the Zoning Ordinance regulations and building codes.

BUILDING, PRINCIPAL or BUILDING MAIN: A building in which is conducted the principal use or uses on the lot.

BUILDING OFFICIAL: The building inspector, his staff or employees, or entity designated by the City or appointed to perform the duties and responsibilities set forth herein. Where the inspection is for plumbing, electrical or other such inspection or permitting, the Inspector designated to perform such specific duties is the City Building Inspector for such project.

CANOPY: Any structure, open on three sides, which is attached to and projects from a wall of a building for the purpose of sheltering a drive-up facility, platform, stoop, entranceway or sidewalk from the elements including a motor vehicle; or an independent roof-like structure supported by posts with no side walls for the purpose of sheltering a gasoline service area, drive-in facility or motor vehicles.

CARPORT, PERMANENT: A permanent roofed open-sided shelter, awning or shade structure sometimes formed by an extension of a roof from the side of a building, which is completely open on a minimum of two sides but with no more than two enclosed vertical sides and intended for the storage of one (1) or more motor vehicles. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building.

CARPORT, PORTABLE OR DEMOUNTABLE: An awning or shade structure made of canvas or similar material which is completely open on at least two sides and which is designed to be readily assembled.

CERTIFICATE OF OCCUPANCY or COMPLETION: A written certificate issued by the City authorizing use and occupancy of a structure upon the satisfactory completion of any work or operations authorized by the City's Building Permit or other Permit or change in occupancy. No occupancy of any new, or altered portion of any, structure or building, or any such building or structure for which there is a change requiring a permit, shall take place until a written certificate titled "Certificate of Occupancy" or "Certificate of Completion" therefore shall have been issued by the City.

CITY or MUNICIPALITY: The Town of Bayside, Texas.

CITY ATTORNEY: The attorney appointed to represent the City.

CITY OFFICIAL: The City building inspector or City employee charged with responsibility of enforcing this ordinance or his designee.

CONSTRUCTION TRAILER & REAL ESTATE SALES OFFICE: Facilities temporarily used as a construction contractor's office and equipment shed accessory to a construction project or a facility temporarily used as a real estate sales office in conjunction with a new housing development.

DECK: A horizontal, unenclosed platform, without a roof or walls which may be attached or unattached to the principal structure, including any attached railings, seats, trellises, or other features not more than forty-eight inches (48") above the platform, and whose platform, if attached to a dwelling, is larger than permitted for a landing, not including steps and ramps and more than one foot (1') in height at any point.

DWELLING: A building used for residential purposes.

GARAGE, PRIVATE: An enclosed accessory building or portion of a principal building used for the storage of one (1) or more private motor vehicles, in which no business, occupation, or service for profit is in any way connected. All garages must have at least one (1) garage door with a minimum opening of six feet eight inches (6'-8") tall and eight feet (8'-0") wide.

GRADE: The original elevation of the ground surface prior to cutting or filling.

HOUSEMOVER: Any person, firm or corporation engaged in the business of moving houses, buildings, structures or other like objects.

LANDING: A horizontal, unenclosed platform that is attached to the principal structure adjacent to an entry; that not including steps, does not exceed six feet (6') in depth perpendicular to the structure or eight feet (8') wide; and which attaches to an entry door. It may have a roof (covered landing).

LIVABLE AREA: The square footage of all habitable floor areas under roof, including attics, lofts, basements, enclosed patios and enclosed porches, servant guesthouses, but excluding pergolas, open patios and open porches and garages.

OCCUPANT: Any person who rents, leases or appears to reside, rent or lease a building, structure or property through custody of the premises or who has the legal right to possession of such premises.

OWNER: Any person who holds any interest in the legal title of a building, structure or property or who has the legal right of possession thereof.

PATIO: A flat, leveled horizontal structure having a base floor area at or below natural grade and open to the sky which is without roof or walls and surfaced with wood, macadam, masonry, stone, brick, block or other such material.

PERMIT: A written document or certification issued by the City permitting the specific construction, alteration, or extension requiring a permit under the provisions of this ordinance and regulations stated herein.

PERSON: An individual human, partnership, co-partnership firm, company, limited liability partnership or other partnership or other such company, joint venture, joint stock company, trust, estate, governmental entity, association or corporation or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

PLOT PLAN or SITE PLAN: A graphic representation, drawn to scale, in a horizontal plane, delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned; the dimensions also including the relation of each use to that adjoining and to the boundary of the property.

PORCH, ENCLOSED: A structural element to a building, attached or unattached to a dwelling, heated or unheated that has a roof, footings and supports, including columns or other vertical support structures, enclosed with walls, windows, jalousies, and/or doors etc. The following shall not be considered to be an enclosed porch: porch-like structures with fewer than three walls; front or side porches with roofs only and with or without screen, but without sides; breezeways; porte cocheres; and carports.

PORCH, UNENCLOSED: A horizontal roofed platform, attached or unattached to a dwelling, with a wall system that consists of roof support members, with or without railings, and no doors or windows and with or without screens. If attached to a dwelling, the platform is larger than permitted for a landing, not including steps and ramps.

PORTABLE BUILDING: A structure that is constructed off-site that is moved onto a site that does not have a permanent foundation, including a manufactured storage unit sold in a kit that does not have a permanent foundation.

REPAIR: The reconstruction, renovation or renewal of any part of an existing building or structure for the purpose of its maintenance or improvement.

RESPONSIBLE PERSON: The owner or occupant, including the person in custody of the building, property or structure, and any mortgagee or lien holder.

STORAGE STRUCTURE: A structure that is intended solely for the storage of household goods, lawn and garden equipment, materials typically found in sufficient quantity for residential purposes, and other related goods and machinery intended solely for the use of the residents of the single-family property upon which it is located.

STRUCTURE: That which is built, or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner and located within six feet of a mobile home in a mobile home park. As defined herein, "structure" does not include a mobile home or other accessory awnings, cabanas, carports and ramadas which are portable and are designed to be readily assembled and disassembled and adapted to ready transportation.

TERRACE: A raised horizontal structure or area having the characteristics of a deck or patio but not more than one foot (1') in height.

TIE: A strap, cable or securing device used to connect the structure to ground anchors.

TIE DOWN: Any device designed to attach a structure to a ground anchor.

UTILITY SERVICE: Shall have its common meaning and shall specifically include, but not be limited to, electric, water, and wastewater service.

VARIANCE: A modification of the literal provisions of this ordinance granted when strict enforcement of this ordinance would cause undue hardship caused by circumstances unique to the individual property on which the variance is granted.

ARTICLE III BUILDING INSPECTOR

SEC. 1 BUILDING OFFICIAL - The Building Official shall be in charge of administering this code for the city and will be appointed by the city council.

(A) APPOINTMENT; ASSISTANTS - Such assistants, other than herein provided, as the City Council may authorize, shall be appointed by and shall hold office at the pleasure of the City Council and under the supervision of the Building Official.

(B) DUTIES - The Building Official shall have authority to condemn any electric wiring, equipment, plumbing, or appliance, which, in his opinion, is unsafe to life or property and after three days notice, shall order the current discontinued from such electric wiring, equipment, plumbing, or appliance.

SEC. 2 COMMITTEES - The Mayor shall have the right and authority to call together committees as needed to receive advice and discuss building trade related issues. The Mayor and City Building Official shall be a member of all committees formed.

ARTICLE IV BUILDING PERMITS

SEC.1 Building permits are required for new construction and structural additions or changes. All buildings and manufactured homes must have building and structure moving permits prior to moving them into or within the City.

(A) The Building Permit and Inspection Placard and must be posted in a conspicuous place at the front of the premises where the permitted work is to be done, accessible and readable from the public right-of-way. The placards should remain in place until all required final building and system inspections have been approved and signed off as ready for occupancy and use. The permit holder is responsible for maintaining the yard placard by protecting it from the weather. Damaged, lost or stolen permit yard placards must be replaced before further inspections can be made. Not having a Building Permit Yard Placard posted will result in the cancellation of further inspections until such time as the card is replaced.

(B) The Following permits are required:

1. Building Permit;
2. Electrical Permit;
3. Plumbing Permit;
4. Mechanical Permit;
5. Structure Moving Permit.

(C) Building Permits are required for the following:

1. New buildings and buildings moved into or within the City;
2. Manufactured homes;
3. Additions and porches (enclosed and unenclosed);
4. Accessory structures, garages, carports, greenhouses and gazebos and similar structures;
5. Prefabricated structures;
6. Temporary buildings;
7. Fences;
8. Foundations, Electrical, Plumbing, or Mechanical systems;
9. Miscellaneous for residential (underground pools, fences, etc.);
10. Decks and terraces as defined and similar platforms;
11. Concrete Driveways, walkways and sidewalks on city right of way;

12. Re-building an existing structure;

13. Culverts.

SEC.2 Work Exempt From Permit Fees and Permits.

(A) Building Permits with no permit fee are required for:

1. Re-building an existing structure as long as square footage remains unchanged but inspections and inspection fees are required.
2. Concrete Driveways, walkways and sidewalks on city right of way. Provided, that the city reserves the right to remove such walkways or landing strips in order to service water mains, sewer service lines, valves, hydrants or other utilities and it shall be the responsibility of the property owner to replace concrete surfaces at his own expense.
3. Terraces as defined and similar platforms that are not more than twelve inches (12") above grade;
4. Landings as defined;
5. Non-commercial temporary greenhouses less than 300 square feet.

(B) Building Permits are not required for:

1. Remodeling, re-roofing, wallpapering, painting, replacing faucets, replacing light fixtures, or similar work;
2. Outdoor canopies, temporary boat, car, equipment and material covers and similar storage structures and covered with plastic, canvas or a similar material;
3. Patios as defined, sidewalks, walkways on ground surface and driveways having a base floor area at or below natural grade and open to the sky which is without roof or walls;
4. Prefabricated swimming pools in which the pool walls are entirely above the adjacent grade;
5. Children's playhouses and tree houses provided the floor area does not exceed thirty-two (32) square feet and meets all accessory structure requirements.
6. Fences that are not over six feet (6') erected inside an enclosed fenced area of a residence or business provided all requirements of the City Fence Ordinance are met.
7. Swings, and other playground equipment accessory to one and two-family dwellings;
8. Buildings, structures, or land used by the State, County or City for governmental purposes.

(C) Exemption from the requirement for a building permit is not applicable for any associated plumbing, electrical wiring, or mechanical system installations except the following:

1. A Mechanical Permit is not Required for:

- (a) Any portable heating appliance, portable ventilating equipment, portable cooling unit or portable evaporative cooler.
- (b) A closed system of steam, hot or chilled water piping within heating or cooling equipment regulated by city code.
- (c) Replacement of any component part or assembly of an appliance, which does not alter its original approval and complies with other applicable code requirements.
- (d) Refrigerating equipment that is part of the equipment for which a permit has been issued pursuant to code requirements.
- (e) A unit refrigerating system

2. An Electrical Permit is not Required for:

- (a) Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by city code.
- (b) Reinstallation of attachment plug receptacles, but not the outlets thereof.
- (c) Repair or replacement of 1) any over-current device of the required capacity in the same location, or 2) electrodes or transformers of the same size and capacity for signs or gas tube systems.
- (d) Removal of electrical wiring.
- (e) Temporary wiring for experimental purposes in suitable experimental laboratories.

- (f) Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
- (g) Electrical maintenance work, as defined in the code, that is performed by an individual properly authorized to do such work.

3. Work Exempt from a Plumbing Permit:

- (a) The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
- (b) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

- (D) Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code, setback regulations or any others laws or ordinances of this jurisdiction.

SEC. 3 SUBMIT APPLICATION

(C) Required Information:

- A Name of owner;
- B Address where project is to be built;
- C Location, dimensions and distance from property lines of existing buildings, decks, structures, retaining walls, paved parking and driveways;
- D Location, dimensions and distance from property lines to proposed projects;
- E Existing survey hubs, pipes and similar permanently installed property line identification;
- F Show existing sewer main and proposed lateral location, where applicable;
- G General Zoning Requirements (all dimensions are minimum);
- H All applicable checklists must be approved to deem permit applications complete.

SEC. 4 MOVING OF BUILDINGS. It is the general intent of this section to prevent the relocation of buildings such that the quality and character of the neighborhood into which a building might be moved is adversely affected.

(A) General Provisions.

1. Unlawful to Move Buildings and Structures Without a Permit. It shall be unlawful for any person, firm or corporation to move any building or structure into or within the City limits of the Town of Bayside without first obtaining a Structure Moving Permit from the City. Moving shall include the removal, placement or transit of a structure of any size into or within the City limits of Bayside by a licensed house mover. The provisions of this ordinance shall not apply to the moving or hauling of any building or structure moving through the City with both an origin and destination outside the City limits.
2. Building and Structure Moving Permits shall be obtained prior to beginning work on any site, existing building or structure. No building shall be moved within the City limits or into the City limits and no structure removed partially or wholly or site work including clearing, fills or excavations begun without completion of all requirements for a permit. A permit shall be issued upon meeting the requirements of the application and the payment of required fees and deposits.
3. Before a Structure Moving Permit to move any building or structure is issued by the City, the party applying therefore shall give a security deposit or a bond with good and sufficient sureties to be approved by the City Council and Town Attorney, providing, among other things, that such party will save and indemnify judgments, costs and expenses which may in any way accrue against the City and keep the City harmless against all liabilities, judgments, costs and expenses in consequence of granting such permit.

4. Authority To Inspect. The designated City Official shall have the authority to enter any building or structure and to traverse such property as may be required to secure access to said building or structure, during reasonable hours and while in the actual performance of his duty, to inspect any construction, alteration, or repairs being performed or having been performed, or to inspect any building being moved or which is thought to have been moved, within the City the purpose of determining whether the construction, alteration, repair or move is being or has been prosecuted in accordance with this ordinance and all other applicable ordinances of the City. A building or manufactured house brought into Bayside and does not pass final inspection will be declared substandard.
 5. No building on a transport vehicle or trailer shall be allowed to remain on the streets or alleys of the Town of Bayside, Texas for more than 48 hours
 6. Buildings Or Structures Which Can Be Moved:
 - (a) A permit may be granted to move any building which is structurally sound and safe from one location to another on the same premises, or from one premises to another premises, if such building conforms to the regulations contained within the City Building Code and the City grants a permit to move the building.
 - (b) Permits to move a building or a structure into the City limits of the Town of Bayside shall first meet all the requirements of the Zoning Ordinance.
 7. Buildings Which Cannot Be Moved:
 - (a) No permit will be granted for the moving of any building or portion thereof into or within the City limits, which has deteriorated or been damaged to an extent greater than fifty (50) percent of the assessed value of the building.
 - (b) No building will be moved upon or through the streets of the City to any tract of land in the City if, in the opinion of the Building Inspector, the value of such building before moving is less than fifty (50) percent of the value of a new building of the same type. The Building Inspector may require any person who applies for a moving permit to provide an appraisal of the building to ascertain its value.
 - (c) No unsafe, hazardous or substandard buildings, structures or containers will be allowed or permitted to be moved into the City limits of the Town of Bayside.
 - (d) No building will be moved in or through the streets of the City if such building is in such deteriorated condition that, in the opinion of the inspector, it is unsafe and a hazard.
 - (e) No building will be moved in or through the streets of the City if the building is too large to move without endangering persons or property in the City.
- (B) Permit Application—Deposits and fees
1. No building or structure shall be moved into or within the Town of Bayside without first obtaining a Structure Moving Permit for such move from the City. The applicant shall fully complete the application for such permit and file the application with the City secretary. The application shall include the following:
 - (a) A permit fee in the amount set by the city council. Said fees may be adjusted annually;
 - (b) A description of the building to be moved and its age, width, length, and height;
 - (c) The valuation of the proposed work;
 - (d) A complete plot plan drawn to scale with a minimum page size of 8.5" x 11", showing lot dimensions, dimensions of all structures currently on the lot and of structures to be moved on, driveways, sidewalks, porches, decks, storerooms, garages, etc. and setback measurements from all property lines;
 - (e) Application must be accompanied by a map drawn to scale with a minimum page size of 8.5" x 11", showing the exact location of property with respect to existing streets, number and size lots, type building on such lots, and other important features within and contiguous to the property.

- (f) The application for a moving permit shall be accompanied with photographs of exteriors of the building, and if the exterior of the building is to be altered or additions made thereto, plans must be provided;
 - (g) The use or purpose for which the building was designed;
 - (h) The use or occupancy to be made of the building at its new location;
 - (i) The name and address of the building owner, and the name and address of the person, firm or corporation engaged to move the building and its insurance carrier or bonding company;
 - (j) The route the vehicle moving the building is to take;
 - (k) The location of the building before moving;
 - (l) The location where the building is proposed to be set or re-established;
 - (m) The location of utility property, trees and other obstructions to the route;
 - (n) The day and time when such moving is to commence and the time that will be required to move the building;
 - (o) A copy of the state permit will be required when the proposed route includes a state highway;
 - (p) Such other information as the City Official may deem necessary.
2. Where the building is to be moved outside the limits of the Town of Bayside, the information required by subdivisions (a) through (h) of this section need not be given.
 3. When an application is submitted, the City Official and the City Council shall act on the application within thirty (30) days after receipt of a completed application. Should the City Council fail to act within that time period, the application shall be considered approved.
 4. Buildings relocated within the town limits shall be charged the currently required building permit fee as established in the schedule of fees. Every applicant before being granted a permit shall pay an application filing fee as set by the city council. Said fees may be adjusted annually.
 5. For any application provided for there shall be charged and collected an inspection fee in the amount set by the city council if the building is situated between zero to ten miles of the City and if the building is situated at a distance in excess of ten miles from the City, an additional fee for each mile. Said fees may be adjusted annually. A Building Final, Foundation Final, Electrical Final, Plumbing Final, and Mechanical Final inspection is required when each trade has completed all work authorized under the building codes.
 6. Clearance by Public Utilities. Utility personnel shall escort a building that exceeds sixteen feet (16') in height when loaded. For buildings that must have an oversized load permit from the TXDOT, there shall be attached to the application signed written statements from each person, firm or corporation owning or operating any public utility maintaining any wires, conduits, cables, poles or other appliances, or appurtenances thereto, along, over or across any street, alley or highway along the route over which the building or structure is to be moved by or for the applicant, which statement shall state or set forth that the moving of such building will not molest, damage or interfere with, or interrupt the service of, any such wires, conduits, cables, poles or other appliances, or appurtenances, or that the applicant has made appropriate arrangements for clearing the same at the time the building is to be moved.
 7. Any such application shall also contain a statement or agreement to the effect that the applicant will not damage any real or personal property upon, along, or adjacent to any street, alley or highway, while moving any building and that in case any damage is so caused, that the applicant will pay therefore.
- (C) Permit—Conditions for granting.
1. As a condition of securing the permit for a move:
 - (a) The permittee shall furnish the City with a set of plans and specifications in accordance with the Town of Bayside Building Code for the completed building to include a plot plan showing in detail the placement of the proposed structure upon the lot within the City; and
 - (b) The permittee or designated person shall be at the location during inspection and shall remove any materials to such extent as may be necessary to permit the Building Inspector to

examine the materials and type of construction of such building to ascertain whether it will comply with the existing building code and other applicable ordinances in the City.

- (c) As a condition of issuing a moving permit, the permittee will be required to sign a right of entry authorizing the City or its contractor to enter upon the lot or tract of land for the purpose of performing all work necessary to complete the exterior, including water and sewer service lines, and site work. The right of entry will include the legal description of the lot or track of land, and the City will record the right of entry in the records of the county clerk and recorder.

2. Special requirements.

- (a) Escort. For moves, the housemover shall provide at least two off-duty police officers or other appropriate agency employees which provide an escort service for the purpose of regulating traffic along the route such building is being moved; provided, that any such police or special agency escort shall be at the expense of the housemover in addition to any other fees or deposits heretofore required. No variances of the provisions of the permit shall be permitted by the escort.
- (b) Time. Time of the movement shall be designated by the City. Every such permit shall become and be void unless such removal shall be completed and the building removed from the public right-of-way within the time specified in the application for such permit; provided, however, that the City may extend such time when the moving of any building is rendered impractical by reason of inclemency of the weather, strikes, or other causes not within the control of the housemover. No building shall be allowed to remain over night upon any street.
- (c) Notice to Utilities. Before any building shall be moved the housemover shall give written notice to the public utilities or agencies designated in the application not less than three days in advance of the proposed move. The owner/agent of the structure shall be responsible for coordinating the move and notifying the utility companies (phone and electric) to ensure the move will occur without incident. The City shall receive a notice from each entity that the appropriate permits and arrangements have been made, and that a day certain shall be specified for the actual move.
- (d) The City Official and any utility company having above ground lines over or along the proposed route shall determine the route to be taken.
- (e) No trees or shrubs on City right of way shall be trimmed without approval from the City Official.
- (f) Prior to the issuance of a moving permit, the town shall be paid all outstanding assessments, taxes and water and sewer bills due on the parcel from which the structure is being moved.
- (g) Foundation preparation and all work performed incidental to moving and placing the building at its new location and all tie down construction of the building as may be necessary must conform to all applicable federal, state and local laws and regulations and shall be completed and a foundation inspection approved by the city building inspector within sixty (60) days following the issuance of a Structure Moving permit to move the structure. For each calendar day beyond sixty (60) days following the issuance of the Structure Moving permit to move the structure that the work is not complete, the property owner shall be fined \$100.00, each day to be considered a separate offense, the fine to be paid at the City hall.

3. Traffic Permit Procedure.

- (a) Submit a proposed travel route to the Town of Bayside for preliminary approval.
- (b) If the height of the structure after loaded on transport vehicle is over seventeen feet (17') in height measured from the street to the tallest portion of the structure and the route has overhead utilities, prior approval from each utility involved shall be required.
- (c) If any state highways are to be used for the move or crossed during the move, it shall be the responsibility of the mover to notify the Texas Department of Transportation and obtain all necessary permits and approvals from the state TXDOT prior to the move.

- (d) After all of the above items have been completed and approved, the permit shall be returned to the City Council for approval.
- (e) Moving of the structure will only be allowed on the date specified on the Moving Permit and only between the hours of 6:00 A.M and 6:00 P.M.
- (f) Night Moving. In case any building is moved at night, the mover shall provide such barricades, lights, flares and watchmen as may be necessary to safeguard the traffic and persons using the street.
- (g) Continuous Moving Operation. The moving of a building shall be a continuous operation. The storage of such building on any property, unless approved by the City, is prohibited.
- (h) Upon completion of the move, the City Official shall inspect the streets over which the building was moved. Any damage noted shall be reported to applicant and the general public liability insurance carrier.

(D) Permit Approval Process.

1. Inspection by Building Inspector.

- (a) The Building Inspector shall determine before the building is moved into the city limits whether the building is structurally sound; no application will be approved without such determination.
- (b) If the Building Inspector finds that the building be of substantial construction and in a condition that it may be moved without collapsing or falling apart and without endangering any person upon, along or adjacent to any public street, and further finds that the building is designed and adaptable for the purpose, use or occupancy to which it is proposed to put the same at the new location and that it conforms to the requirements of the adopted building code, then he shall approve the application.

2. The city council will review the application, plans and photos, exterior of the building, its size, its appearance, and its placement.

3. City Council Approval

- (a) The City Council, before approving an application for a permit to move any building or structure, shall determine the size and dimensions of the building, and shall not approve an application for the moving of any building of a smaller size than permitted under the City zoning ordinance.
- (b) The City Council shall further determine that the mover has safe and sufficient equipment and facilities for moving the building or structure, and that the mover has sufficient and adequate barricades, lights, flags and personnel for warning the public both day and night, and for the safe direction of traffic; and that the streets and bridges in the streets, along the route or routes to be traversed by the moving are of sufficient width and strength and in condition to bear the moving of the building or structure described in the application, and that such moving will not endanger any trees, shrubs, or improvements in, upon, or adjacent to any street.
- (c) In addition to the matters in this section enumerated the City Council shall require compliance of all provisions of this ordinance, which are a prerequisite to the granting of a moving permit.

- (E) Security Deposit/ Wrecker's and Mover's Performance Bond/ House Movers and Building Wrecker Liability Insurance. It is the intent of the City to require any person who moves a building into or within the City to provide the City with the financial assurance that the exterior of the building will be completed and that the lot or tract of land upon which a building is placed complies with applicable codes and requirements, including subdivision regulations of the City. It is further the intent of the City to require any person who moves a building into or within or out of the City to provide the City with a financial security for any damage that may occur to any public street or other public facility.
- 1. The city shall not issue a Structure Moving Permit for a building to be moved and altered until the applicant or authorized agent, shall have first deposited with the city secretary a Security Deposit in an amount of not less than five thousand dollars (\$5,000) by cash or a certified check made

payable to the Town of Bayside or such greater amount conditioned upon the permittee as the building inspector determines necessary equal to the estimated cost of the work required to be done in order to secure the timely completion of all proposed exterior alterations to said building, as set forth in the plans and specifications and to comply with all of the conditions under which the Structure Moving Permit is issued. The cash deposit shall be refunded after the exterior alterations are completed and all building inspections are approved. The deposit shall be forfeited if the exterior of the building does not comply with the approved plans or if the time frame for completing the work is not adhered to. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed. Every such deposit made pursuant to this section shall be conditioned as follows:

- (a) That each and all of the terms and conditions of the Structure Moving Permit and faithfully complying with all requirements of this section, the building code, the zoning ordinance, and other ordinances then in effect within the city shall be complied with to the satisfaction of the city officials.
 - (b) That all of the work required to be done pursuant to the conditions of the Structure Moving Permit, completing the construction, painting and finishing of the exterior of the building, and all inspections approved, shall be fully performed and completed within one (1) year from the date of the issuance of such permit. The time limit specified in this section in any permit issued under this section may be extended for good and sufficient cause by written order of the city council. Extensions must be submitted in writing prior to the permit expiring and must include a valid reason for the delay of the project. Only two six (6) month extensions may be granted for each permit. The permit must be renewed if construction is not completed.
 - (c) In the event that permittee fails to fully perform and complete the work required to be done in order to comply with all of the conditions under which the Structure Moving Permit is issued, or if an extension of time or extensions have been granted by the city council, within the time specified in such extension or extensions, the city council shall give written notice to the permittee of such default. In such notice of default the city council shall state the work to be done, the estimated cost thereof, and the period of time deemed by the city council to be reasonably necessary for the completion of such work. If compliance is not had within the time specified, the city council shall proceed without delay and without further notice or proceedings whatever to cause the required work to be done by contract or otherwise in the city council's discretion and deduct from the cash bond deposited the cost of the work plus ten percent thereof, which ten percent shall be retained by the city to cover administrative costs of the building section and this shall be in addition to any other penalties provided for failure to comply within the terms of this Ordinance.
 - (d) In lieu of completing the work required, the city council may demolish the building or structure and clear, clean and restore the site, and deduct from the cash bond deposited the cost of the work plus ten percent thereof, which ten percent shall be retained by the city to cover administrative costs of the building section.
2. Cash Deposit Duration. The terms of each cash deposit deposited pursuant to this section shall begin upon the date of deposit and shall end upon completion to the satisfaction of the city official of the performance of all the terms and conditions specified in the Structure Moving Permit. At that time the permit services administrator shall return the cash deposit to the depositor, to his or her successors or assigns, except any portion thereof which may have been used or deducted as provided in this section. The following will be taken into account before any deposit refunded:
- (a) Installation of the required windows and doors.
 - (b) Installation and/or repair of the roof and/or roofing if necessary.

- (c) Completion of the exterior finish materials such as siding, brick, stucco and trim in a professional manner. All buildings shall have a weather-resistant, uniform and neighborhood-compatible exterior finish. Tarpaper or similar material is not acceptable.
 - (d) Installation of the sewer and water services.
 - (e) The building secured in an acceptable manner.
 - (f) Installation of porches or landings required by the building design.
 - (g) Building has passed all inspections and the final inspection by the City Building Inspector.
3. Security Deposit and Bonds.
- (a) Before any Structure Moving Permit is issued for the moving of a building, the applicant shall file with the City a security deposit in the amount of five thousand dollars (\$5,000) by a certified check made payable to the town. This security deposit shall cover any costs to the town for damage done to town property or for other expenses to the town resulting from the relocation of the building. If the moving of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the City, the city shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for payment of same. Any balance of the security deposit remaining shall be refunded at the time the certificate of occupancy is issued. If the costs and expenses to the town exceed the security deposit, the applicant shall be liable for the payment of this additional amount. Such deposit shall not be required from a building mover licensed by the State of Texas.
 - (b) Filing Of Bond Required. It shall be unlawful for any person, persons, firm, company, or corporation to move or cause to be moved, any structure upon or along any street within the limits of the city, without having first filed with the City a bond approved by the City Council in the sum of \$5,000, indemnifying the city against any and all loss, cost, or damage to its streets caused by the moving of the structure. It shall be further conditioned that the person, persons, firm, company, or corporation will indemnify and pay all damages to any person or property caused by any negligent act or omission in the moving of the structure.
4. Liability Insurance.
- (a) Before any permit is issued for the moving of a building, the applicant shall file with the City a certificate of insurance indicating the applicant holds a public liability policy in the sum of at least \$300,000 covering bodily injury to one or more persons in any one accident and an additional sum of at least \$300,000 covering property damage. The policy shall name the Town as an insured, and shall provide that the insurance carrier will indemnify and save harmless the Town, its officers, agents, or employees, against any and all damages resulting or arising from any negligence on the part of the applicant, the mover, their agents, employees, subcontractors or others. The term of the policy will be sufficient to cover the term of the move and shall provide that it cannot be cancelled without the consent of the Town. The policies shall be in full force and effect as to any permits issued prior to cancellation and to all work done under these permits.
 - (b) In lieu of insurance, the City may permit an applicant to provide an indemnity bond in which the surety and the applicant are bound to the Town in the sum of at least \$300,000 on such terms and conditions the City deems appropriate.
5. Return of Fees and Deposits.
- (a) Upon completion of all of the above and completion of the exterior requirements as outlined above and on the moving permit or building permit to the satisfaction of the City Official, the City will refund the deposit within fourteen (14) days.
 - (b) After the building has been moved, the City Official shall furnish the city secretary with a written statement of all expenses incurred and of all damage caused to or inflicted upon

property belonging to the City by reason of the move. The city secretary shall return to the applicant all deposits after deducting a sum sufficient to pay for all of the costs and expenses and for all damage done to property of the City. The permit fee deposited with the application shall not be returned.

- (c) Upon denying a permit, the City Official shall direct the city secretary to return to the applicant all deposits, bonds, and insurance policies. The moving permit fee and any inspection fee filed with the application shall not be returned.

(F) Relocating of buildings to areas outside of the town's jurisdiction.

1. The City Official may approve a Structure Moving Permit application for relocating a building outside the town's jurisdiction without formal action by the City.
2. No Structure Moving Permit fee is required for any building relocated outside the town's jurisdiction.
3. All other requirements including bonds, insurance, and requests for extensions and site repairs will be strictly followed.
4. If removal of the structure requires a disconnect from the Town of Bayside water or sewer service, the mover shall notify the City office within 72 hours prior to the disconnect.
5. Clear Old Premises. After the completion of any move, the area or lot upon which the structure was formerly located shall be cleaned up and satisfactorily graded. The sanitary sewer connection, if one exists, shall be plugged and marked; the water meter shall be removed and the line satisfactorily capped and marked; the electrical and telephone lines removed; and all trash removed therefrom to the satisfaction of the City Official. All foundation structures shall be removed and the foundation hole shall then be filled in, compacted and leveled.
6. If the original building site is within the City, and if the permit holder does not comply with the requirements of this Section, the City may do the work necessary to place the original premises in a safe condition and in compliance with this Section. This cost shall be the responsibility of the permit holder.

(G) A certificate of occupancy shall not be issued until satisfaction of all conditions of this Section has been met.

(H) Authority to enter upon premises.

1. All city officials and employees of the city involved in processing an application for a Structure Moving Permit or enforcing compliance with its conditions shall have access to the premises described in the permit for the purpose of inspecting the site, the work and its progress.

(I) Authority to enter-Interference prohibited. In the event of any default in the performance of any terms or conditions of the Structure Moving Permit, any person employed or engaged on behalf of the permittee or the city council or any person employed or engaged on his or her behalf may go upon the premises to complete the required work or to remove or demolish the building or structure. The owner, the owner's representative, successor or assign, or any other person who interferes with or obstructs the ingress or egress to or from any such premises, or any authorized representative or agent of the city engaged in the work of completing, demolishing or removing any building or structure for which a Structure Moving Permit has been issued, after a default has occurred in the performance of the terms or conditions thereof, is guilty of a misdemeanor.

ARTICLE V PLANS REQUIRED TO OBTAIN A PERMIT

SEC. 1 To obtain a building permit, a permit application (available in the city office) must be completed and accompanied by a site plan, floor plan, and construction details with enough detail and clarity to convey to the plans examiner / technician all work to be accomplished as specified in the *International Residential Code*.

(A) Necessary Drawings And Documents: The following is a general outline of drawings and documents necessary for plan review (Building Inspection may request additional information if necessary).

1. Site plan (Plot Plan scaled with a minimum page size of 8.5" x11"). Must include North arrow. This plan should show Dimensions of the lot.
2. Floor plans
3. Exterior elevations.
4. Construction details.
5. Structural plans must include: foundation sections and details, second floor framing plan (when applicable).
6. Electrical plan (may be combined with floor plan).
7. Plumbing plan (may be combined with floor plan).
8. If the house is on a septic tank, show proof of permit from the Refugio County Courthouse.
9. Total project cost (does not include land).

(B) Professional License: Structures with two stories and more and/or all structures over three thousand five hundred (3,500) square feet require all structural drawings and details to be sealed, signed, and designed by a State of Texas Registered Engineer or licensed Architect (except for pre-engineered systems) stating compliance with the City Building Code. A registered structural engineer must seal all post tension slab designs and all slabs on a filled lot. The seal and signature must be original on all sets.

(C) All buildings that exceed five thousand (5,000) square feet require a fire sprinkler system.

(D) Toilet facilities are required on-site, for construction workers.

(E) Accessory Buildings.

1. Submit a complete scaled drawing showing all methods of tie-downs, describing strapping, blocking, piers, anchor types, locations, etc. Drawings to be of the exact unit being installed.
2. Accessory structures, prefabricated buildings and carports are required to have an anchoring system and must be built to conform to all Building Code structural and anchoring requirements. All buildings must be anchored by one of the following means:
 - (a) Footing and foundation with anchor bolts;
 - (b) Piers with anchor bolts
 - (c) Metal strapping tied to ground mounted anchors.
3. Plans for accessory structures two hundred (200) square feet and under are not required to be scaled but must have accurate dimensions.

ARTICLE VI PERMIT FEES

SEC. 1 Permit Fee Policy. On all buildings, structures or alterations requiring a building permit, inspection, or Certificate of Occupancy, a fee set by the city council shall be paid as required at the time of filing application. Said fees may be adjusted annually. All applicable permit fees are due at the time of permit issuance. All permit applications for structures over two hundred (200) square feet will be charged a Plan Review fee, payable at time of application, and a Building Permit fee including inspection fees, based on a minimum number of inspections per permit type, payable at permit issuance. Additional inspections, partial inspections, and/or re-inspections will generate added inspection fees which must be paid prior to issuance of the Certificate of Occupancy/Completion. There shall be no refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment. Building Permit fees may be adjusted for any changes in construction unless the permit has expired or has been revoked.

SEC. 2 Permit Fee Refunds.

- (A) In the case of the withdrawal of an application, or abandonment of all or a portion of the work or the non-commencement of any project, or the refusal to issue a Permit, upon written request, the City Secretary shall determine the amount of fees, if any, that may be refunded.
- (B) There shall be no refund of Permit fees where a Permit has been revoked, except where the Permit was issued in error, or where the Applicant requests revocation no more than one hundred eighty (180) days after the Permit is issued. In such cases, the amount of refund shall be calculated in accordance with Subsection 1 and 2.
 - 1. Structures Over two hundred (200) Square Feet.
 - (a) Plan Review Fee – 25% of the assessed permit fee payable upon submittal with a minimum fee of \$25. The fee is to be credited upon issuance of Building Permit.
 - (b) Subject to Subsections (A) and (B) the fees that may be refunded shall be a percentage of the fees payable under this bylaw, calculated as follows:
 - (1) 80% of the plan review fee after the Permit is given to the city secretary.
 - (2) No refund of the Plan Review fee after plans review has been completed by the city council.
 - (3) 60% of the Building Permit fee after Permit issued.
 - (4) No refund of any portion of the fee paid shall be made if any construction has commenced or if the city building inspector has made a field inspection.
 - (5) No refund shall be made of an amount less than twenty-five dollars (\$25).
 - 2. Structures Under two hundred (200) Square Feet and All Other Permits.
 - (a) No refund shall be made of an amount less than twenty-five dollars (\$25).
 - (b) No refund of any portion of the fee paid shall be made if any construction has commenced or if the city building inspector has made a field inspection.

ARTICLE VII

BUILDING PERMIT AND SITE PLAN EXPIRATION

SEC. 1 EXPIRATION OF BUILDING PERMITS.

- (A) If the work described in any building permit for new construction has not begun within one hundred eighty (180) days from the date of issuance thereof, the permit shall expire and be canceled and voided by the city secretary and written notice thereof shall be given to the persons affected.
- (B) If the work described in any building permit for new construction has not been completed within one (1) year of the date of issuance thereof, the permit shall expire and be canceled by the city secretary unless otherwise extended by the City Council; and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.
- (C) Any exterior portion of a building project which is visible to the public and which is not completed within the allotted one (1) year period shall constitute a public nuisance and shall be declared substandard.
- (D) That any Building Permit may be voided for cause at any time after one hundred eighty (180) days from date of issue, at the discretion of the designated City Official of the Town of Bayside, if in his judgment no significant portion of the work authorized under the Building Permit has been accomplished, or in the event actual progress toward completion of said authorized work appears to have ceased.
- (E) It is unlawful for a person to commence but fail to complete all work during the time in which the permit is valid. In administering the provisions of this section, consider that its intent is to avoid the unnecessary continuation of hazardous conditions which frequently surround construction sites; the intent is not that of placing a burden on the person, firm or corporation involved in performing the work authorized under the Building Permit and intending in good faith to complete it in a manner not abnormal for the type construction involved.

- (F) The time limit specified in this section may be extended for good and sufficient cause by written order of the city council. Extensions must be submitted in writing prior to permit expiring and must include a valid reason for the delay of the project. Only two six (6) month extensions may be granted for each Building Permit. However, such extensions shall be granted upon inspection and evaluation of the construction progress and the completion schedule for the proposed facility. The Building Permit must be renewed if construction is not completed with a fee set by the city council. An expired or revoked permit may be renewed upon written request filed not later than 45 days after a permit has expired or been revoked for a fee of fifty percent (50%) of the original permit fee with a minimum of twenty-five dollars (\$25). The new application and plans shall be required to meet all regulations in effect as of the date of such new application.

SEC. 2 Permit Suspension or Revocation.

- (A) The Building Inspector may suspend or revoke a permit or approval issued under the provisions of this code where the Building Inspector or authorized City Official is denied access to the premises, where the applicant has willfully refused to correct a violation of the provisions of this code, or in case of any false statement or misrepresentation of fact in the application or in the plans on which the permit or approval is based. No construction activity shall take place on a job site after suspension or revocation of the permit, except such work as the City Official order be done as a condition precedent to the issuance of a new permit, or which the City Official may authorize as reasonably necessary to protect work already completed on the job site, existing property, adjoining property and the general public.
- (B) The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give the authority to violate or fail to comply with the provisions of this code shall be valid, except insofar as the work or use which it authorizes is lawful. If errors shall, subsequent to the issuance of the permit, be discovered in the application, plans, specifications or execution of the work, the Building Inspector may require the correction of said errors in the application, plans, specifications or construction.

SEC. 3 PROJECTS PROPOSING PHASED CONSTRUCTION.

- (A) A project approved for construction in phases shall obtain a building permit for the initial phase within 18 months from the date of site plan approval. Other phases may obtain building permits beyond the 18-month life span as long as each phase continues to conform to all zoning requirements in effect at the time of application for a building permit for each phase.
- (B) If, upon application for a building permit for a phase of an approved project, a site plan no longer conforms to all zoning requirements, the applicant may obtain said permit based on the approved plan if the application is submitted to the department within 90 days after the issuance of the Certificate of Occupancy for the previous phase.
- (C) If more than 90 days have elapsed since the issuance of the Certificate of Occupancy for the previous phase and the original 18-month site plan life has lapsed, a site plan which no longer meets all zoning requirements shall be transferred to the inactive files. Once plans have been placed in the inactive files, no further consideration shall be given said inactive plans, and any approvals shall lapse. If future development of said project is desired it shall be necessary for a new application and plans to be submitted in full conformance with the procedures of this chapter; said new plans shall be required to meet all building and zoning regulations in effect as of the date of such new application.

ARTICLE VIII

RECEIVING RESULTS OF REVIEW PROCESS

SEC. 1 If compliance with the codes/ordinances/regulations is determined by the plans examiner/technician, the permit is issued.

SEC. 2 If compliance is not determined, the application is denied. The Code violations may be corrected or appeal the decision to the city council.

ARTICLE IX INSPECTIONS

SEC. 1 FOUNDATION, BUILDING, ELECTRICAL, PLUMBING, AND MECHANICAL

INSPECTIONS- Except for scheduled concrete inspections, all inspections will be made within 3 working days. To ensure that inspections have been approved, post the building permit card in a conspicuous location on the project site. The inspector will sign the permit card if the inspection passes, or leave an inspection report on-site if corrections are needed. After issuance of a Building Permit, inspections (building, electrical, mechanical, and plumbing) may be requested to the city office for scheduling. Inspection results are available by calling the office if permit card is not signed on site.

SEC. 2 PERMITTING AND INSPECTION - The inspection or permitting of any building, system or plan by the City, under the requirements of the Building Codes or this Code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Neither the City nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

SEC. 3 WHEN TO CALL FOR INSPECTIONS (specified in *International Residential Code*).

- (A) SETBACKS - When the site is staked and map and plats of proposed work verifying property boundaries have been submitted to the city secretary.
- (B) BUILDING SEWER INSPECTION - To be completed after building sewer is installed, while the water or air test is on, but before being covered or concealed. Inspected by Municipality
- (C) WATER SERVICE - When in place and before backfilling. Inspected by Municipality.
- (D) FOOTING AND FOUNDATION - Footing inspections are made after completion of excavation and formwork and any required reinforcing steel is in place. For foundations, formwork should be complete and any required reinforcing steel should be in place. Foundation inspections also include garage slabs and thickened slabs intended to support bearing walls.
- (E) CONCRETE SLAB AND UNDER FLOOR - These inspections are made after under-floor reinforcing steel and piping are in place but prior to placement of concrete. Inspection of under-floor spaces is required if they will not be accessible after floor sheathing is in place.
- (F) BUILDING FRAMING AND WOOD FRAME FOUNDATION - Framing inspections are made after all roof framing, fire blocking and bracing are in place and all pipes, chimneys, and vents are complete and all rough-in inspections of plumbing, mechanical, gas, and electrical systems are in place and before insulation (weather resistant sheathing paper).
- (G) ELECTRICAL, PLUMBING, ROUGH-IN - When all building framing and parts of the electrical and plumbing that will be hidden from view in the finished building have been placed; but before any wall, ceiling finish or building insulation is installed.
- (H) MECHANICAL INSPECTION - When all duct works and vents are in place and the work is completed and ready for inspection but prior to placing wallboard and insulation.
- (I) FINAL INSPECTION - To be completed for all electrical, plumbing and heating, ventilating and air conditioning installations and all general construction work after all work is finished but before use or occupancy of the building or part thereof.

SEC. 4 ARRANGING INSPECTION VISITS

- (A) Each major phase of construction must be inspected by the Inspector to make certain the work conforms to the Code, the permit, and the approved plans.
- (B) The person responsible for the construction project must request each inspection.

(C) If an Inspector finds that some work does not conform to approved plans, the Inspector will advise (and possibly provide written notice) that the situation is to be remedied. If the violation is serious, a STOP WORK ORDER may be posted until the problem is resolved. Another inspection may be necessary before work is resumed for an additional permit fee. Upon notice from the City Official that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe or dangerous manner, such work may be ordered immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and conspicuously placed on the property, and shall state the conditions under which work will be permitted to resume. Any person who shall continue any work in or about the building or structure after having been served with a Stop Work Order, except such work as that person is directed to perform, by the City Official, to remove a violation or unsafe conditions, shall be deemed guilty of a violation of this Ordinance and shall be subject to penalties and forfeitures as described in XIII of this code. The property owner has three (3) days in which to rectify any violation. After three (3) days, the City Official will revisit the site and if the violation still exists the City Official will issue a Violation Notice that requires compliance with the effected code within 10 days. The City Official will revisit the site five (5) days after the issuance of the letter to verify progress. If the violation has not been rectified after ten (10) days, the City Official will file a Citation through the courts.

(D) No work shall be covered or concealed in any manner whatsoever without first obtaining the written approval of the building official or his authorized representative. The building official or his authorized representative shall have the authority to order the removal of items that obscure the view of components that require inspection.

(E) Inspections by the city building inspector are required for the following:

1. New Buildings and Buildings moved into or within the city that require Structure Moving Permits;
2. Manufactured Housing;
3. Additions and porches;
4. Structures or re-building an existing structure two hundred (200) square feet and over;
5. Accessory structures, garages, carports, greenhouses and gazebos that are two hundred (200) square feet and over;
6. Decks, patios, and similar platforms that exceed thirty inches (30") above the grade;
7. Swimming pools (underground);
8. Electrical, Plumbing and Mechanical systems.

(F) City officials will inspect setbacks and all structures under two hundred (200) square feet and all decks, patios, and similar platforms that are less than thirty inches (30") above the grade.

Inspections are not required for structures not requiring a building permit.

SEC. 5 Right of Entry. The Building Inspector, City Official or other authorized employee may, at all reasonable times in performance of his or her duties, enter upon any public or private premises and make inspections thereof to determine compliance with the provisions of this code and may require production of the permit for any building, permanent building equipment, electrical, plumbing, heating, ventilating or air conditioning work.

ARTICLE X CONTRACTORS

SEC.1 A home owner who constructs or repairs his own residence or other property owned and operated by the owner is exempt from the licensing provision of this ordinance but it must be to code and pass inspection, however, any subcontractors other than the property owner must be licensed.

SEC.2 ELECTRICAL CONTRACTORS - It shall be unlawful for any person to perform electrical work without first showing a valid electrical license issued by a city in the State of Texas.

- (A) It shall be unlawful for any person to engage in the business of installing, maintaining, altering or repairing any wiring, fixtures or equipment used for the conduct of electricity for which an electrical permit is required by the Town of Bayside, nor shall any person in any manner undertake such work unless such person is the holder of the appropriate electricians license as required by this ordinance.
- (B) Every electrical contractor who applies for and is issued a permit for one and two-family residential dwellings must have a journeyman license as a minimum requirement. Every electrical contractor who applies for and is issued a permit for commercial buildings must have a masters license and must have and maintain an established place of business and shall have a telephone.
- (C) It shall be unlawful for any person to falsely represent himself as a licensed electrician of any class set forth in this ordinance or to use the words "Electrical Contractor, "Master Electrician", "Electrician", or words of similar meaning on signs, cards, stationary or by any other manner whatsoever, unless said person is properly licensed within the meaning of the word or words used as provided in this ordinance.

SEC.3 PLUMBING CONTRACTORS - It shall be unlawful for any person to engage in the business of installing, maintaining, altering or repairing any plumbing fixture, pipe or apparatus for which a plumbing permit is required by the Town of Bayside unless such person is the holder of the appropriate Plumbing license issued by the State.

SEC.4 MECHANICAL CONTRACTORS - It shall be unlawful for any person to engage in the business of installing, maintaining, altering or repairing any Mechanical system, fixture, piping or apparatus for which a mechanical permit is required by the Town of Bayside unless such person is the holder of the appropriate Air Conditioner and Refrigeration Contractors License as issued by the Texas Department of Licensing and Regulation.

ARTICLE XI

COMPLIANCE/OCCUPANCY-FINAL

SEC. 1 No land or building shall be occupied or used and no building hereafter erected, altered, or extended shall be used or changed in use until a Certificate of Occupancy shall have been issued by the city stating that the building or proposed use thereof complies with the provisions of city ordinances.

SEC. 2 EXISTING BUILDING CERTIFICATE OF OCCUPANCY - If there is a previous Certificate of Occupancy, and there is NO change of use, a copy of the old Certificate of Occupancy can be submitted to the city. The administrative fee for a name change certificate shall be provided for in the fee schedule set by the city council.

SEC. 3 Application for a certificate of occupancy shall be made with the application for a building permit or may be directly applied for where no building permit is necessary and shall be issued or refused in writing within five (5) days after the city has been notified in writing that the building or premises is ready for occupancy. When an application for a Certificate of Occupancy for an existing building or space is made, a processing and compliance inspection fee must be paid. A Rental Certificate of Occupancy must be obtained prior to the occupancy of rental property.

SEC. 4 When each trade has completed all work authorized under the building codes call for a Building Final, Electrical Final, Plumbing Final, and Mechanical Final.

SEC. 5 When code compliance is determined after the final inspection, the Code Official issues a Certificate of Occupancy. This certificate is the formal document that marks the completion of your construction project and gives you permission to occupy your building with the knowledge that it has met the safety standards in Bayside.

SEC. 6 CLEARANCE BEFORE UTILITY SERVICE.

(A) No permanent water, electrical utility connection or garbage service shall be made to any building or structure and/or have an addition or alteration made thereto, without first obtaining a Certificate of Occupancy from the building official that a final inspection has been made on such building or structure and approval has been granted.

(B) **TEMPORARY CONNECTION OF UTILITY SERVICE.** Temporary Certificate of Occupancy means a certificate that authorizes temporary occupancy of an entire building or only those portions of a building that can be safely occupied prior to final completion of the building. Temporary electrical/water/garbage services may be requested and granted for up to 90 days for the purpose of construction or testing of equipment. The structure for which Temporary Service is granted cannot be occupied without a final inspection, Certificate of Occupancy, or a Temporary Certificate of Occupancy. A temporary Certificate of Occupancy may also be issued for temporary promotional events or temporary structures that will be removed after a specified time.

SEC. 7 AUTHORITY TO DISCONNECT UTILITY SERVICES - The City Council and/or Building Official shall have the authority to authorize disconnection of utility services to the building, structure or system regulated by the Building Codes, in case of emergency where necessary to eliminate an immediate hazard to life or property or if in violation of city building codes. The city shall notify the serving utility, and whenever reasonably possible, the owner and occupant of the building, structure or user of the service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter. The Building Official or City Council may, in writing, suspend or revoke a C/O whenever it is determined that the certificate was issued in error, or on the basis of incorrect information supplied, or when it is determined that the building, a portion of the building or structure is in violation of any ordinance, regulation, or provision of the building codes.

SEC. 8 RESTORATION OF SERVICE - Reconnection shall be made only after payment of the following:

(A) All outstanding charges for city services.

(B) Any lawfully assessed fines and damages.

(C) Disconnection and reconnection expenses.

SEC. 9 Any building occupied prior to final inspections and connected to temporary utilities shall have the utilities terminated within ten (10) days after written notification of violation. Before utilities are reconnected, the contractor or owner of record shall renew the building permit at a cost of not less than one hundred dollars (\$100.00), and apply for a final inspection of the utilities and structure.

SEC. 10 STREET ADDRESS REQUIREMENT-All new and existing buildings are required to have the number or the address of the property displayed on the front of such building or property; same to be displayed in such manner as to be plainly visible and legible from the nearest adjacent street or roadway. The figures will be no less than four (4) inches in size. All existing buildings shall have six (6) months from the effective date hereof to comply herewith. All new buildings must comply herewith in order to be certified as suitable for occupancy.

SEC. 11. CONSTRUCTION TRAILER & REAL ESTATE SALES OFFICE

(A) A construction trailer for residential projects requires a building permit and a temporary trailer permit. The time restriction with a temporary trailer permit is one (1) year, subject to renewal for up to two (2) six month extensions if the builder maintains active and continuous construction on the site or within the subdivision, but in no event to exceed the duration of the project. Real estate sales offices are permitted to continue until all lots are sold or one year, whichever is less, subject

to renewal for up to three, six month extensions as long as a minimum of three lots within the subdivision remain unsold.

(B) A permit fee set by the city council is required if repairing a residence and construction does not warrant a building permit. The time restriction with no building permit is six months with no extension.

(C) The temporary construction trailer/mobile home must be removed from the property when the permit expires or upon completion of the permanent residence, whichever occurs first. A travel trailer or recreational vehicle must be removed from the property when the permit expires if a final inspection has not been approved or must be unoccupied upon completion of the permanent residence.

SEC. 12. APPLICATIONS FOR VARIANCES.

(A) Any person may apply for a variance of any provision of this ordinance by submitting a written application to the City secretary citing the specific provision of this ordinance for which a variance is sought and setting forth with particularity the reasons for such request. The City council shall review such an application for consideration and approval or denial. If a person wants to protest the decision of the City council, an appeal must be made to the District Court of competent jurisdiction within ten (10) days of the denial as provided in Section 13 G.

(B) A person may not proceed with any operation for which a permit or variance is required by this ordinance unless and until the appropriate permit or variance has been granted.

SEC. 13 RIGHT TO ABATE DANGEROUS CONDITIONS.

(A) Whenever an immediate danger to the health, life or safety of any person exists as a result of any building or premise violations or conditions on any lot, parcel or premise within the City, the City may abate the nuisance without notice to the owner. If the utility connections to the property need to be disconnected to the property to prevent further risk or damage, the City Official may direct that the necessary utilities be disconnected. In the event the City abates the nuisance under this section, the City shall forward notice to the owner within ten (10) days in the manner set forth herein.

SEC. 14 ABATEMENT.

(A) Notice. In addition to any other remedy provided in this ordinance and cumulative thereto, the City, after giving to the owner, occupant and/or responsible party of the property ten (10) days notice in writing, as provided herein, may cause any of the work or improvements mentioned in this ordinance to be done at the expense of the City, and charge all of the actual cost to the City to be assessed on the real estate or lot on which such expenses occurred; provided, that the owner, occupant and/or responsible party of any such real estate may appeal to the City council the order of the City Official by filing an appeal, as provided in Subsection G, within ten (10) days after receipt of the notice provided for above, stating that such real estate complied with the provision of this ordinance before the expiration of a ten (10) day period and requesting a hearing.

(B) Appeal. The City council shall set a date, within thirty (30) days from the date of the appeal, for hearing the appeal to determine whether the real estate complied with the provisions of this ordinance before the expiration of such ten (10) day period.

(C) Suspension. The authority of the City to proceed to cause such work to be done shall not be suspended while an appeal from the order is pending.

(D) Compliance Prior To Abatement. If it shall be determined by the City council that the premises complied with the provisions of this ordinance before the expiration of the ten (10) day period, then no personal liability of the owner or occupant shall arise nor shall any lien be created against the premises upon which such work was done.

(E) Cost of Abatement Constitutes Lien. Cumulative of the City's remedy by fine, as set forth herein, the City may do such work or cause the same to be done to remedy such condition to remove such matter from such owner's premises at the City's expense and charge the same to the owner of the property and assess the same against the real estate or lot or lots upon which such expense is incurred.

- (F) Costs. Expenditures by the City shall be due and payable in full by the owner. If the property is unoccupied, no utilities shall be furnished to the property where the work occurred until such obligation, as herein set out, payable to the City for abatement of any nuisance described herein is paid in full.
- (G) Appeals to the City Council. Unless otherwise provided in this ordinance, any person aggrieved by a decision of a City Official acting under this ordinance may appeal such decision to the City Council. Such appeal shall be made by filing with the City office within ten (10) days of the action or incident being appealed. A notice of appeal specifying each and every ground for appeal shall accompany the appeal and state thereon "Notice of Appeal". The City secretary shall forthwith transmit to the City Council all of the papers constituting the record upon which the action appealed from is taken.
- (H) Notice of Hearing on Appeal. The City Council shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall give public notice of the hearing and due notice to the parties in interest.
- (I) Findings of Fact. The City Council shall file findings of fact within a reasonable time after the final decision is announced. The findings shall be in writing filed in the office of the City Secretary. Filing of the minutes of the meeting of the City Council meeting at which the appeal hearing was held shall constitute a filing of the findings of fact absent a more specific filing prior to filing the minutes.
- (J) Appeal. Any party aggrieved by the decision of the City Council shall have ten (10) days from the date of the filing of the findings of fact to file an appeal with the District Court of competent jurisdiction.

ARTICLE XII NOTIFICATION

SEC.1 Any person found to be violating any provision of this ordinance shall be served, by the Town of Bayside, with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease and correct all violations. Failure to obtain the necessary permits for the work and passing inspection may require returning the site to it's original state or condition.

SEC.2 The City secretary shall give the notice of violation:

- (A) By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
- (B) If personal service cannot be obtained, publication at least once in the local or official newspaper.

SEC.3 If the city mails a notice to a property owner in accordance with SECTION 2(A), and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

ARTICLE XIII PENALTIES

SEC. 1 Where work for which a permit is required by this code is started prior to obtaining said permit, a penalty equal to the building permit fee shall be assessed. Payment of such penalty fee shall not relieve the persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

SEC.2 Any person who shall continue any violation beyond the time limit provided for in this ordinance shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding two thousand dollars (2,000.00) for each violation. Each day that a violation of this Ordinance continues shall constitute a separate offense. Notice of such a

penalty shall be sent to said owner and all lien-holders at their last known address by certified and regular first class mail.

SEC.3 Any person violating any of the provisions of this ordinance shall become liable to the Town of Bayside for any expense, loss, or damage occasioned by the Town of Bayside by reason of such violation.

SEC.4 That any person who shall violate any of the provisions of this ordinance or who shall fail to comply therewith or with any of the requirements thereof, or who shall construct, alter, repair, or move any building, or who shall commence to construct, alter, repair, or move any building in violation of any detailed statement of plan submitted or approved there under, or of the permit issued, or of any requirement of this ordinance, shall for each and every violation or non-compliance be deemed guilty of a misdemeanor and shall be fined not more than One Hundred (\$100.00) Dollars, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner of that building or premises or part thereof where anything in violation of this ordinance shall be placed or shall exists and any permit holder, architect, builder, contractor, agent or corporation employed in connection therewith who has assisted in the omission of any such violation, and any other person, firm, corporation, or agent thereof, which has committed or has contributed to the commission of any such violation shall each be guilty of a separate offense and upon conviction shall be subject, to the penalties herein provided.

ARTICLE XIV

ASSESSMENT OF EXPENSES; LIEN

SEC.1 To obtain a lien against the property, the mayor or city official designated by the mayor shall file a notice of lien in the appropriate county deed or lien records showing the penalty and all expenses as a lien against the property upon which the structure is located.

SEC.2 The lien obtained by the city is security for the fines, expenses and interest accruing at the rate of ten (10) percent on the amount due. The lien attaches upon the filing of the lien statement with the county clerk.

SEC.3 The lien is inferior only to Tax liens.

SEC.4 The city council may authorize the city attorney to bring a suit for foreclosure in the name of the city to recover the fines and interest due. In any civil, criminal or administrative appeal, hearing or action commenced by the City under this Ordinance, the City shall be entitled to recover from the defendant of such action reasonable attorney's fees, costs of suit, any other costs of enforcement, including, but not limited to, inspection costs.

SEC.5 The city council may authorize the city attorney to foreclose a lien on property.

ARTICLE XV

ATTORNEY AUTHORIZATION

Notwithstanding any penal provision herein, the city attorney is authorized to file suit on behalf of the city for such injunctive relief as may be necessary to abate such violations whenever any violations as herein defined is found in any place within the city.

ARTICLE XVI

VALIDITY

Sec. 1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 2 The validity of any section, clause, sentence, or provision of this ordinance shall not effect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE XVII

EFFECTIVE DATE

Sec.1 This ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the Town of Bayside.

Date Published in Official Newspaper February 23rd 2006
1st Hearing Date 2-14-06

Passed, ordained, approved and adopted this the 14th day of February, 2006.

By: Billy P. Frost
Mayor Town of Bayside, Texas

Attest:
Connie Cramer
City secretary

Hal Georg
Town Attorney

March 25, 2006
Date