

ORDINANCE 68

BAYSIDE COMMERCIAL BUILDING CODES

AN ORDINANCE REGULATING THE BUILDING, PLUMBING, ELECTRICAL, CONSTRUCTION, AND OCCUPANCY OF ALL COMMERCIAL 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 Building Code*, regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance buildings in the Town of Bayside; providing for the issuance of permits and collection of fees; repealing 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 Building Code*, including Appendix Chapters C and F, 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 buildings 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 Building 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of Bayside entitled *Building Codes* and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.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 No building or structure to be used for commercial purposes shall hereafter be constructed, moved, or altered except in conformity with the regulations specified for the zone in which such property is situated. Any exterior construction shall be done with a permit

to be issued by the Building Inspector. Normal repairs, restoration or improvement, interior or exterior, which do not alter the principal use of a building, shall not be deemed to require a building permit.

SEC. 8 Septic tanks, cesspools, privies, or sewage disposal areas shall conform to state regulations and regulations adopted by ordinance by the Town of Bayside, and in the instance the two may conflict, the more restrictive shall apply.

ARTICLE III
BUILDING INSPECTOR

SEC. 1 BUILDING OFFICIAL - The Building Official shall be in charge of administrating 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 A permit is not needed for items such as wallpapering, painting or similar finish work nor is one required for replacing faucets, replacing light fixtures, or similar work. Permits are required for new construction, structural additions or changes. All buildings and manufactured buildings must have permits prior to bringing them into the Town.

The Following permits are required:

- (A) Building Permit**
- (B) Electrical Permit**
- (C) Plumbing Permit**
- (D) Mechanical Permit**
- (E) Homeowners Permit** (required if work is to be done by homeowner).
- (F) Permits are required for the following:**

New buildings and Buildings Brought Into Town	Culverts
Additions	Electrical, Plumbing, or Mechanical systems
Temporary buildings	Concrete Driveways, Patios, and Sidewalks
Storage Buildings	Fences
Prefabricated structures	Commercial Parking

SEC.2 There will be no permit fee for re-building an existing structure as long as square footage remains unchanged but inspections and fees are required.

SEC. 3 SUBMIT APPLICATION

- (A)** The permit application requires information about the construction project. Sketches, drawings, plans or other documentation of all the proposed work as specified in the *International Building Code* will have to be submitted for review. The site must be staked for the setback inspection before any work can begin.
- (B)** A complete legal description of the property is required.

ARTICLE V
PLANS REQUIRED TO OBTAIN A PERMIT

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 Building Code*.

ARTICLE VI
PERMIT FEES

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.

ARTICLE VII
BUILDING PERMIT AND SITE PLAN EXPIRATION

SEC. 1 Building permits shall expire after six months from the date issued unless actual construction has started and continued pursuant to the terms of said permit.

SEC. 2 All applications for site plan approval shall be transferred to the inactive files after 6 months has elapsed from the date of site plan approval. Once site plans for a project have been placed in the inactive files, no further consideration shall be given said inactive site plans, and any approvals of said site plans shall lapse. It shall be necessary for a new application and plans to be submitted; the new application and plans shall be required to meet all regulations in effect as of the date of such new application.

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 Building 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) **FOOTING AND UNDER SLAB - BEFORE ANY CONCRETE IS PLACED.**
- (C) **FOUNDATION, WOOD FRAME**
- (D) **BUILDING FRAMING**
- (E) **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.
- (F) **FINAL INSPECTION**

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. It is to the owner's advantage to have buildings and manufactured homes inspected at their location before being brought into the town of Bayside. A building brought into Bayside and does not pass inspection will be declared substandard.
- (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 are required for the following:

New Buildings and Buildings Brought Into Town	Storage Buildings
Additions	

- (F) Inspections are not required for porches, decks, and re-roofing.

ARTICLE X CONTRACTORS

SEC.1 A building owner who constructs or repairs his own building 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 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.

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 Whenever in this Code or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or Ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not exceeding Two Thousand Dollars (\$2,000.00) for violations of municipal ordinances that govern fire safety, sanitation (not including vegetation and litter violations), public health or as the Legislature may amend from time to time. For traffic-related offenses and other violations not included in the classes enumerated above, the maximum permissible fine will be Five Hundred Dollars (\$500.00) or as the Legislature may amend from time to time. Further, that the above mentioned violations shall be subject to a minimum fine of One Hundred Dollars (\$100.00). PROVIDED, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense. A culpable mental state is not required for the commission of an offense under this Code of Ordinances, unless the provision defining the conduct expressly requires a culpable mental state. 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.

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 7-31-02

1st Hearing Date 8-19-02

Passed, ordained, approved and adopted this the 19th day of August, 2002.

Attest:

Connie Gannon

City secretary

By: Billy L. Frost

Mayor Town of Bayside, Texas