

Ordinance No. 4-12 - 2010

AN ORDINANCE AMENDING ORDINANCE #97-02, THE PRESENT ORDINANCE FOR REGULATING BUILDING IN THE CITY OF MERKEL, TO ADOPT THE 2006 ICC BUILDING CODE AND 2008 ELECTRIC CODE.

WHEREAS, the City Council desires to continue its efforts to enhance the health, safety, and welfare of the citizens, and

WHEREAS, the City of Merkel has not updated its building and electric codes within the past decade; and

WHEREAS, the Council is aware that from time to time adjustments need to be made to ensure that present codes are adopted to ensure protection of the citizens; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MERKEL, TEXAS:

1. That Ordinance 97-02 is amended to adopt the 2006 ICC Building Code and 2008 Electric Code in their entireties as shown on Exhibits A and B, and Administrative procedures as shown in Exhibit C, attached hereto and incorporated herein for all purposes, thereby superseding and replacing any requirements of the previous codes adopted by Ordinance 97-02.
2. The existing Building and Electric ordinances of the City, and any other ordinance or parts thereof in effect at the present time which are in conflict with the Codes adopted herein, are hereby repealed.
3. That the City Secretary shall maintain for public use a listing of permit fees and permit applications which may be required by the adoption of the new Codes. The City Secretary shall be authorized hereunder to issue any certificates required under the newly adopted Codes set forth herewith.
4. That any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a class "C" Misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper.

PASSED ON FIRST READING on the _____ day of _____, 2010.

After passage on first reading, a notice of the time and place said ordinance would be given a public hearing and considered for final passage was published in the Merkel Mail, a weekly newspaper of general circulation in the City of Merkel, the same being more than ten (10) days prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on its second and final reading.

PASSED ON SECOND AND FINAL READING AT A PUBLIC HEARING on the

29th day of April, 2010.

ATTEST:

Gwen Wetzel
CITY SECRETARY

SIGNED:

Fredy Waters
MAYOR

APPROVED:

Candice Clinton
CITY ATTORNEY

EXHIBIT A

SECTION 1. THE FOLLOWING CODES ARE HERBY ADOPTED BY THE CITY OF MERKEL:

- A. TEXAS ADMINISTRATIVE CODE
- B. INTERNATIONAL BUILDING CODE -2006 EDITION
- C. CODE FOR ABATEMENT OF DANGEROUS BUILDINGS, 2006 IBC,ICC
- D. INTERNATIONAL PLUMBING CODE, 2006 EDITION
- E. INTERNATIONAL MECHANICAL CODE- 2006 EDITION

EXHIBIT B

SECTION 1. THE FOLLOWING CODES ARE HERBY ADOPTED BY THE CITY OF MERKEL:

A. NATIONAL ELECTRIC CODE-2008 EDITION

EXC

City of Merkel 100 Kent St. Merkel Texas 79536 325-928-4911

Administration (2006 ICC/2008 NEC Standards)

PERMITS

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation is regulated by this code or cause any such work to be done, shall first make application to the building official and obtain the required permit.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).
2. Fences not over 6 feet (1829mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of the height to diameter or width does not exceed 2:1.
6. Sidewalks and driveways not more than 30 inches (762mm) above adjacent grade and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

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11. Swings and other playground equipment accessory to detached one- and two- family dwellings.
12. Window awnings supported by an exterior wall that do not project more than 54 inches (1372mm) from an exterior wall and do not require additional support of Group R-3 and U occupancies.
13. Non-fixed and moveable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provision of this code shall not apply to electrical equipment used for radio and television transmissions, **but do apply to equipment and wiring for a power supply and the installations of towers and antennas.**

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

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Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, 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.**
2. 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.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which the application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 106.
5. State the valuation of the purposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

Construction Documents

106.1 Submittal documents. Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

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106.2 Site plan. The construction documents submitted with application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distance from lot lines, the established street grades and proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures that are to remain on the site or plot. The building official is authorized to waive or modify the requirements for a site plan if for alteration or repair or when otherwise warranted.

Certificate of Occupancy

110.1 Use and occupancy. No building or structure shall be used or occupied and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under **Section 105.2.**
2. Accessory buildings or structures.

110.2 Change in use. Changes in the character or use of an existing structure shall not be made except as specified in **Sections 3406 and 3407** of the *International Building Code*.

110.3 Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.

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5. A statement that the described portion of the structure has been inspected for compliance with requirements of this code.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. If an automatic sprinkler system is provided and whether the sprinkler system is required.
9. Any special stipulations and conditions of the building permit.

Service Utilities

111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until approved by the building official.

111.2 Temporary connection. The building official shall have the authority to authorize and approve the temporary connection of the building or system to the utility, source of energy, fuel or power.

Violations

113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause the same to be done, in conflict with or in violation of any of the provisions of this code.

Stop Work Order

114.1 Notice to owner. Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall immediately be 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 shall state the conditions under which work will be permitted to resume.

114.2 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except that such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.