

ORDINANCE NO. 2013/12 #2

AN ORDINANCE OF THE CITY OF HARDIN, TEXAS, ADOPTING THE 2012 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL BUILDING CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL SWIMMING POOL AND SPA CODE AND INTERNATIONAL ENERGY CONSERVATION CODE, ALONG WITH THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE; PROVIDING FOR PERMITS, FEES AND INSPECTION; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; REPEALING ALL PARTS OF ORDINANCES IN CONFLICT; APPOINTING AND DESIGNATION THE POWERE AND DUTIES OF THE BUILDING INSPECTOR; PROVIDING FOR THE REQUIREMENT FOR AND REVIEW OF SUBDIVISION OR DEVELOPMENT PLANS; PROVIDING A PENALTY CLAUSE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLASUE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

Whereas, the City of Hardin, Texas is a general law city acting under the electorate pursuant to the Texas Constitution, and the Local Government Code; and

Whereas, the City Council of the City of Hardin, Texas finds it to be in the best interest of the citizens, businesses and property owners in the City of Hardin, to adopt the 2012 editions of the International Residential, Building, Plumbing, Fuel Gas, Mechanical, Existing Building, Fire and Swimming Pool and Spa Codes, and the 2011 edition of the National Electrical Code, to provide for the public health and safety of the citizens and visitors of Hardin; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARDIN, TEXAS, THAT:

ARTICLE I. - BUILDING CODE

Sec. 1 - Adoption.

(a) There is hereby adopted for the city for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures that certain building code known as the International Building Code, 2012 edition as published by the International Code Council Inc., save and except such portions as are deleted, modified, added or amended as enumerated herein, of which one copy is filed with the city secretary. The code is hereby adopted and incorporated as fully as if set out at length herein, and the provisions of such code shall be controlling in the construction of all buildings and other structures within the city, save and except such portions of such code as may be inconsistent with this article.

(b) There is hereby adopted for the city for the purpose of establishing rules and

regulations for the construction and alteration of family dwelling structures that certain code known as the International Residential Code, 2012 edition, and all appendices as published by the International Code Council Inc., save and except such portions as are hereafter deleted, modified or amended, of which one copy is filed with the city secretary. The code is hereby adopted and incorporated as fully as if set out at length herein, and the provisions of such code shall be controlling in the construction of all one- and two-family structures within the city, save and except such portions of the code as may be inconsistent with this article.

Sec. 2 – Construction Within City Limits.

The following codes are hereby adopted by the city and all new construction in the city shall conform to the standards set out in the following codes published by the International Code Council, Inc., with amendments as published:

- (1) International Building Code, 2012 Edition;
- (2) International Existing Building Code, 2012 Edition;
- (3) International Residential Code, 2012 Edition;
- (4) International Mechanical Code, 2012 Edition;
- (5) International Plumbing Code, 2012 Edition;
- (6) International Fire Code, 2012 Edition;
- (7) International Fuel Gas Code, 2012 Edition;
- (8) International Energy Conservation Code, 2012 Edition;
- (9) International Swimming Pool and Spa Code
- (10) NEC National Electrical Code

These codes, together with their appendix chapters and any amendments that become an official part of any code, save and except any such portion as may be in conflict with this chapter, a copy of each of which has been and is now filed in the office of the city secretary; and these codes are incorporated as fully as if set out at length in this chapter; and the provisions of such codes shall be controlling within the corporate limits of the city.

Sec. 3 - Powers and Duties of Building Official and/or Inspector.

- (a) The building official is authorized and directed to enforce all the provisions of adopted codes listed in Sec. 2 of this ordinance.
- (b) The building official shall have the power to render interpretations of the codes and to adopt and enforce rules and regulations supplemental to the codes as he may deem necessary in order to clarify the application of the provisions of the codes. Such

interpretation, rules and regulations shall be in conformity with the intent and purpose of the codes.

(c) The building official and/or inspector or their authorized representatives shall be available for support and assistance to property owners/occupants or other persons engaged in construction or reconstruction activity, to assist them with their permitting process, and assist with contractor/trades personnel problems and inquiries concerning the interpretation of the intent of the adopted codes.

(d) Neither the city, its officials, agents, nor assignees, shall be responsible for ensuring that all construction/reconstruction activity is properly permitted and accomplished as prescribed by the adopted codes. That responsibility will remain with the property owners/occupants and/or other persons engaged in the construction/reconstruction activity inclusive of contractor/trades personnel involved in the work.

(e) The building official and/or inspector or their authorized representatives are authorized to use their discretion in applying the adopted codes and the requirements of this article in providing for those exceptions needing to be addressed on an individual basis to further encourage construction/reconstruction and maintenance activity in order to avoid unnecessary delay or hardship situations within the conformity of the intent and purposes of the codes.

(f) The city council shall appoint the building official and/or inspector and any assistants necessary to aid him/her in the discharge of his/her duties.

(g) The building official and/or inspector shall receive such compensation and serve for such term as may be fixed by the city council.

(h) Where action is taken by the building official and/or inspector to enforce the provisions of this article, such action shall be in the name of and on behalf of the city, and the inspector in so acting shall not render himself personally liable for any damage which may accrue to persons or property as a result of an actions committed in good faith in discharge of his duties. Any suit brought against any building official and/or inspector by reason thereof, shall be defended by the city attorney until final determination of the proceedings contained therein.

(i) The mayor and city council reserve the right for final appeal to themselves for disputes, request for waivers and exception to the provisions set forth in this section, and shall reserve the right to make waiver and/or exceptions for specially designated districts or economic development purposes to encourage construction or reconstruction activity in one or more areas of the city.

Sec. 4 – Additions, Alterations, or Repairs.

(a) If, within any 12-month period, alterations or repairs costing in excess of 50 percent of the then physical value of the building are made to an existing building, such

building shall be made to conform to the requirements of this code for new buildings.

(b) If an existing building is damaged by fire or otherwise in excess of 50 percent of its then physical value before such damage is repaired, it shall be made to conform to the requirements of this code for new buildings.

(c) If the cost of such alterations or repairs within any 12-month period or the amount of such damage as referred to in paragraph (b) is more than 25 but not more than 50 percent of the then physical value of the building, the portions to be altered or repaired shall be made to conform to the requirements of this code for new buildings.

(d) For the purpose of this section physical value of the building shall be its appraised value as shown on the city's latest tax roll.

(e) If the occupancy of any existing building is entirely changed the building shall be made to conform to the requirements of this code for the new occupancy. If the occupancy of only a portion of an existing building is changed and that portion is separated from the remainder as stipulated in Chapter 3, then only such portion need be made to conform.

(f) The following are authorized: Repair and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this code or in such manner as will not extend or increase the same kind of materials as those of which the building is constructed; but not more than 25 percent of the roof covering of a building shall be replaced in any period of 12 months unless the entire roof covering is made to conform with the requirements of this code for new buildings.

Sec. 5 – Building Permit Required.

It shall be unlawful for any person to construct, structurally alter, or move onto a property any building 100 square feet or larger within the city limits without obtaining a permit therefore from the city secretary, except where the total cost of such construction or alteration does not exceed \$7,500.00. Application for such building permit shall be made upon a form furnished by the city. The permit fee for issuance of the building permit shall be set by the city council annually or as deemed necessary by the council. Unless otherwise agreed by the city council, the permit fee shall be set in accordance with the fees approved and collected by the Liberty County Permitting and Engineering Office, for both residential and commercial buildings.

Sec. 6 - Setback Lines and Lot Requirements

(a) No building permit shall be issued unless the following lot requirements herein expressed are met and approved by the City Inspector.

(b) The placement of the proposed structure and/or design, should provide for lots of adequate width, depth, and shape to provide open area, eliminate over-crowding, and to be appropriate for the location of the structure in question, either commercial or residential. Lots should have side lot lines at right angles to the streets on which the lot

faces or radial to curved street lines.

(c) Single Family Homes and Duplexes

- (1) Minimum width at building setback line **30** feet. (at a distance not greater than **50** feet from the front line.)
- (2) Minimum width at front lot line of pie shaped lots- 30 feet.
- (3) Corner lots siding on minor streets should have a minimum width at the building setback line of not less than 60 feet.
- (4) Corner lots siding on a major thoroughfare or freeway should have a minimum width at the building setback line of not less than 75 feet.
- (5) Minimum length or depth of lots should be 100 feet, except lots that are facing or backing on a major thoroughfare or freeway should not be less than 100 feet deep.

(d) Townhouses - Townhouses included as cluster developments should be evaluated on their own merits.

- (1) Only one townhouse should be constructed per lot.
- (2) Minimum width- 20 feet, except the end unit or unit which occupies a corner lot shall provide an additional 10 feet for a side yard.
- (3) Minimum lot area- 1,400 square feet.
- (4) Minimum number of lots in a townhome project is 2.

(e) Multi-Family Apartments

- (1) No lot to be used for multi-family or apartment purposes should contain an area less than 6,000 square feet plus an additional 1,500 square feet for each dwelling unit in excess of two dwelling units within structures to be constructed or occupied upon such a lot.

(f) Cluster Developments (each lot should)

- (1) Have a minimum width at front lot line of 25 feet, and;
- (2) Lots may be of various sizes and width but in no event should the minimum area of any individual lot be less than 1,400 square feet.

(g) Condominiums

- (1) Only one condominium regime should be established per lot as recorded by the “master deed”, “master lease” or “declaration” as found in the Real Property Records of Liberty County, Texas.

Sec. 7 - Review of Subdivision or Development Plans

Before the building permit process can begin, persons proposing residential subdivisions, manufactured housing communities, multi-unit residential developments, business parks, duplex units and townhomes being constructed on a single tract of land, or other similar uses, shall submit planning materials for these developments to the permitting authority. The planning materials shall be prepared by a professional engineer and shall include an overall site plan, topographic map, 100-year floodplain map, soil survey, location of water wells or access to the municipal water supply, locations of easements, and a complete report detailing the types of utilities to be considered and their compatibility with area-wide drainage and groundwater. A comprehensive drainage plan shall also be included in these planning materials. The permitting authority will either approve or deny the planning materials, in writing, within 45 days of receipt.

Sec. 8 - Penalty.

Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined in an amount of not to exceed \$500.00. Each day of a violation shall constitute a separate offense.

Sec. 9 - Application.

(a) The provisions of this chapter shall supersede ordinances, codes or regulations to the extent such ordinances, codes or regulations are inconsistent with this chapter; however, nothing contained in this chapter shall be construed to prevent the adoption and enforcement of an ordinance or regulation which is more restrictive or establishes a higher standard than provided in this chapter, and such more restrictive requirements or higher standard shall govern during the period it is in effect.

(b) In case a provision of this chapter is found to be in conflict with a provision of a zoning, mechanical, electrical, plumbing, fire, safety, health, water supply or sewage disposal ordinance or regulation adopted pursuant to such ordinance, or other ordinances, codes or regulations, the provision or requirement which is more restrictive or establishes the higher standard shall prevail.

Sec. 10 - Conflicting Standards.

Whenever the adopted code standards and specifications in this chapter conflict with those contained in another ordinance or with each other, the more stringent or restrictive provision shall govern.

Sec. 11 - Waivers and/or Exceptions

Any resident seeking a waiver and/or exception to any provision set forth in the aforementioned building requirements, must do so in writing by filling out the designated

form provided by the City Secretary, and paying the applicable \$10.00 waiver and/or exception fee. Once the form has been submitted to the City Secretary, the City Council and the Mayor will review said request for waiver and/or exception and will render a decision within thirty (30) calendar days from receipt of said form, unless the resident is notified in writing by the city requesting a reasonable extension of time to render a decision. A resident may also make a request, through the use of the above mentioned designated form, to formally speak to the city council and mayor regarding this request for waiver and/or exception, if necessary.

Article II. Effective Date

This ordinance shall be in full force and effect immediately upon adoption by the City Council.

PASSED AND ADOPTED BY THE HARDIN CITY COUNCIL, TEXAS, THIS THE 17th DAY OF December, 2013.

APPROVED:

Original Signed

Julie Terry, Mayor

ATTEST:

Original Signed

Dianne Rombs, City Secretary