

ORDINANCE #19-02-31

BUILDINGS AND BUILDING REGULATIONS

Art. I. In General

Art. II. Buildings and Structures

Div. 1. Generally

Div. 2. Permits

Div. 3. Building Standards

Div. 4. Dangerous Buildings

Div. 5. Moving Buildings

Art. III. Electrical Standards

Art. IV. Plumbing Standards

Art. V. Gas

Art. VI. Housing Standards

ARTICLE I. IN GENERAL

Fire limits established.

- (a) The fire limits of the city are hereby established as follows:

“Beginning at the north city limits and extending to south city limits – beginning at east city limits and extending to west city limits.”

- (b) The fire limits will also include all closely built districts of business or commercial occupancy, together with such blocks or portions of blocks surrounding these districts on all sides.

ARTICLE II. BUILDINGS AND STRUCTURES

DIVISION I. GENERALLY

Scope of article.

The provisions of this article shall apply to all buildings, or portions thereof used, designed or intended to be used for human habitation.

- (1) *Alteration.* No building used, designed or intended to be used as a dwelling, apartment house or rooming house, shall be in any manner repaired, remodeled or reconstructed by any person, or occupied by any person not already in occupancy, unless such buildings made to comply with all the requirements of this article.
- (2) *Relocation.* Existing buildings which are moved or relocated shall be considered as new buildings, and shall comply with all the requirements of this article.

DIVISION 2. PERMITS

Permit required.

- (a) Every person constructing or structurally altering any building within the city shall obtain a permit from the city.

- (b) Application for building permits shall be made upon a form furnished by the city. The permit fee for the issuance of the building permit shall be pursuant to the schedule on file in the city secretary's office.
- (c) The duration of the building permit issued for residential remodeling and all other permits issued for residential construction except for new construction shall be for a period of one hundred twenty (120) days.

DIVISION 3. BUILDING STANDARDS

Building code adopted.

There is hereby adopted by the city council, a building code known as the 2015 International Building Code, which code is incorporated into this division and made a part hereof, for all purposes by reference.

Conflicts.

In the event of any conflict between the provisions of the building code adopted by this division and the provisions of city ordinances or state law, the provisions of ordinances of the city and state law shall prevail and be controlling.

Definitions.

- (a) Whenever the word "municipality" is used in the building code adopted by this division, it shall be held to mean the entire area inside the city limits.
- (b) Whenever the term "corporation counsel" is used in such building code, it shall be held to mean the attorney for the city.

DIVISION 4. DANGEROUS BUILDINGS

Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building shall mean any structure of any kind or character, or any part thereof, which has been erected upon any land within the city, irrespective of the material from which such structure has been built.

Dangerous building shall mean a building which possesses one (1) or more of the following qualities:

- (1) Any building with roof, ceiling, floor, wall or foundation, or any combination thereof, which is rotted or decayed and falling apart; with windows out, uninhabitable, untenable and/or unsightly due to obsolescence and deterioration caused by neglect, vandalism, fire damage, aging or the elements.
- (2) Any building in danger of falling and injuring any person or other property which might be on and about the premises.
- (3) Any building which is a fire menace by virtue of containing in or near such building an accumulation of trash, rubbish and/or debris; or which, by virtue of abandonment or neglect, is likely to attract children or transients who may start fires on such premises; or which

contains an accumulation of combustible material which may take fire either by accident or on purpose.

- (4) Any building which is in the condition described in subsections (1), (2) and (3) above, and which is damp or in an unsanitary condition and is likely to create disease and sickness; or which is likely to provide breeding places and habitat for snakes, rats, mice and other vermin which are detrimental to the public health.
- (5) Any building which is substandard, which for purposes of this division means that the building does not possess all of the following attributes:
 - a. Functioning electrical power service including but not limited to electric lights;
 - b. Connection to the public water supply service of the city or a properly functioning water well providing fresh water to the premises;
 - c. Indoor plumbing including at least one (1) wash basin and toilet and a shower or bathtub facility (commercial and industrial properties are not required to have a shower or bathtub facility);
 - d. Exterior windows and exterior doors sufficient to exclude the elements and capable of being secured to prevent unauthorized entry;
 - e. Connection to the city sanitary sewer system, or to an approved and functioning septic system;
 - f. A roof sufficient to repel water except for minor easily correctable leaks.

General prohibition.

It shall be unlawful for any person to own, maintain or permit to stand upon any premises within the city any dangerous or substandard buildings. All such dangerous or substandard buildings are hereby declared to be unlawful, and are hereby declared to be a public nuisance.

Inspection.

An inspection shall be made of every building located within the city which is suspected of being in violation of this division. The code enforcement officer is hereby authorized to conduct inspections of all such buildings suspected of being in violation of this division.

Notice of violation and public hearing – Service.

Whenever a violation of this division has been discovered by and/or reported to the city code enforcement officer, the following actions shall be taken:

- (1) The owner of the premises involved and the occupants, if any, together with any lienholder or mortgagee having a lien upon the premises shall be given a written notification of the nature of the violation and the date on which a public hearing will be held for a determination by the city council as to whether or not such owner should be directed to either repair, remove or demolish such building. Such notice shall give the owner at least ten (10) days' notice before the date for the scheduled hearing. If the owner or his address is unknown, a notice shall be published in a newspaper of general circulation in the city on two (2) different insertions within ten (10) consecutive days. Such public hearing shall not be held prior to the expiration of ten (10) days from the date of the first insertion in such newspaper. Notice other than that published in the newspaper shall be sent by certified mail, return receipt requested with a copy by regular mail to the address of the owner as reflected on the records of the Bowie county Clerk and the Bowie County Appraisal District Tax Records for the property.

Same – Contents.

The contents of the notice provided for in above section "Notice of violation and public hearing – Service" or notice by publication shall be as follows:

- (1) The date of notice.
- (2) The notice shall be directed to the owner, if known, and his address, if known, and if unknown "to the owner of Lot _____, Block _____, _____, Addition to the City of Redwater, Texas, and the street address of _____ Street, Redwater, Texas," or other legal description so that the lot may be identified.
- (3) State the date, time and place for the scheduled public hearing.
- (4) State that the purpose for the public hearing is to determine whether or not such building is a dangerous or substandard building, and whether or not such building should be repaired, removed or demolished.
- (5) State that at the public hearing to determine whether a building complies with the standards set forth in this division, the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this division and the time it will take to reasonably perform the work.
- (6) State that at the conclusion of a public hearing conducted under this division, the municipality if it finds that a building should be repaired, removed or demolished, shall require the owner, lienholder or mortgagee of the building to secure the building from unauthorized entry, and/or repair, remove or demolish the building within thirty (30) days from the date of the order unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within thirty (30) days.
- (7) State that if the municipality allows the owner, lienholder or mortgagee more than thirty (30) days to repair, remove or demolish the building, the municipality will establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed as determined by the city council.
- (8) State that the municipality may not allow the owner, lienholder or mortgagee more than ninety (90) days to repair, remove or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee submits a detailed plan and time schedule for the work at the public hearing and establishes at the hearing that the work cannot reasonably be completed within ninety (90) days because of the scope and complexity of the work.
- (9) State that if the municipality allows the owner, lienholder, or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove or demolish the building, the municipality shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the city to demonstrate that the owner, lienholder, or mortgagee has complied with the time schedules established for commencement and performances of the work.
- (10) State that if the building is not vacated, secured, repaired, or demolished within the allotted time, the city may vacate, secure, remove, or demolish the building at its own expense.
- (11) State that if the municipality incurs expenses in vacating, securing, repairing, removing, or demolishing the building, the city will assess the expenses on, and the city will have a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the building is located and that the lien is a privileged lien subordinate only to tax liens and all previously recorded bonafide mortgage liens upon the property.

Findings of hearing.

- (a) After the public hearing provided for in above section "Notice of violation and public hearing – Service", the city council shall make a finding as to whether or not such building is a dangerous or substandard building. If such building is found to be a dangerous or substandard building, the city council shall direct that the building be repaired to the minimum standards for continued use and occupancy that apply to all buildings in the City, or that such building be removed, or that such building be demolished.
- (b) The city council shall set a reasonable time within which such repairs, removal or demolition shall be completed. The city council shall require the owner, lienholder, or mortgagee of the building to repair, remove or demolish the building within thirty (30) days of the order unless the owner or lienholder establishes at the hearing that the work cannot reasonably be

performed within thirty (30) days. If the city council allows the owner, lienholder, or mortgagee more than thirty (30) days to repair, remove, or demolish the building, the city council shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The city council may not allow the owner, lienholder, or mortgagee more than ninety (90) days to repair, remove or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee submits a detailed plan and time schedule for the work at the hearing, and establishes at the hearing that the work cannot reasonable be completed within ninety (90) days because of the scope and complexity of the work. If the city council allows the owner, lienholder, or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove, or demolish the building, the city council shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the code enforcement officer to demonstrate that the owner, lienholder or mortgagee has complied with the time schedules established for commencement and performance of the work.

- (c) The city council shall enter an order setting the time within which the building shall be secured, repaired or demolished by the owner and an additional reasonable time as provided by this section for the ordered action to be taken by any of the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the owner.
- (d) Within ten (10) days after the date that the order issued, the city shall (1) file a copy of the order in the office of the city clerk; and (2) publish in a newspaper of general circulation in the city a notice containing the street address or legal description of the property, the date of the hearing, a brief statement indicating the results of the order, and the instructions stating where a complete copy of the order may be obtained. The city shall also promptly mail by certified mail, return receipt requested, and also by regular mail, a copy of the order to the owner of the building. If the owner does not take the ordered action within the allotted time, the city shall promptly mail by certified mail, return receipt requested, and also by regular mail, a copy of the order to any lienholder or mortgagee of the building. The City shall use the records in the office of the County Clerk of Bowie County, Texas, to determine, if possible, the identity and address of any owner, lienholder, or mortgagee of the building for purposes of notice.

Action by city; recovery of expense.

If, at the expiration of the allotted time prescribed by the city council for the repair, removal or demolition of a dangerous or substandard structure under this division, the repair, removal or demolition has not been completed, the city may remove or demolish the building or contract to have such building removed or demolished, at its expense. If the city incurs removal or demolition expenses under the provisions of this division, it shall have a lien against the property to which the building was attached as provided for in the Texas Local Government Code Section 214.001 et seq. as amended from time to time, to affix a lien against the property. The mayor shall execute an Affidavit stating the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the city, and the balance due. The affidavit shall include the statement: "The City of Redwater, Texas, claims a privileged lien subordinate only to tax liens and all previously recorded bonafide mortgage liens against the above described property for the herein described work performed." The lien shall be extinguished, and the mayor shall sign a proper release, if the property owner reimburses the city for the removal or demolition expenses and expenses incurred by the city in claiming, perfecting and releasing said lien.

DIVISION 5. MOVING BUILDINGS

Permit required.

No person shall move any building or structure across, along or upon any designated public street within the city without first securing a permit from the city.

Application for permits.

Applications for permits to move buildings shall be made in writing to the city secretary and such application shall state the location from which such building or structure is to be moved, the location to which it is proposed to move such building or structure, the size and dimensions of such building, the name of the owner thereof, the name of the owner of the property upon which same is proposed to be placed, the type of material from which such building or structure is constructed, the street upon which, along which and across which such structure is proposed to be moved, the time of day at which it is proposed to begin moving such structure and the estimated time that such structure will be en route.

Conditions for issuance.

The city shall issue a permit to move a structure provided that the proposed hours of its movement will be at such time as the vehicular traffic is at less than the maximum and further provided that the location to which such building or structure is to be moved is not a zone in which the construction of such structures from similar materials is not prohibited by other ordinances of the city. In all cases the city shall issue such permit designating the exact route along which the structure is to be moved and the permit shall be valid for such route and for no other.

Prohibited acts.

It is unlawful for any person to move or cause to be moved any building or structure across, along or upon any public street within the city without first securing the permit required by this division; or move any building or structure along any street not definitely set out in writing in a permit issued by the city or to give any false information in an application for permit to move a building or structure.

ARTICLE III. ELECTRICAL STANDARDS

Adoption of electrical code.

There is hereby adopted by the city council for the purpose of establishing rules and regulations for the construction, alteration, removal and maintenance of electric wiring and apparatus, the National Electrical Code, 2014 Edition, as published by the National Fire Protection Association. One (1) copy is filed in the office of the city secretary. It is hereby adopted and incorporated as fully as if set out at length herein and the provisions thereof shall be controlling in the construction, alteration, maintenance or removal of all electric wiring or apparatus within the city.

Enforcement of electrical code.

- (a) It shall be the duty of the code enforcement officer to enforce all provisions of this article and he is hereby granted the authority to enter all buildings in the city in the performance of his duties between the hours of 8:00 a.m. and 5:00 p.m. daily, except that in emergency and within the limits of reason, the code enforcement officer may enter buildings for such purposes at other than the designated hours.
- (b) It shall be the duty of the code enforcement officer to inspect and/or test all electrical work and equipment or apparatus for compliance with the code adopted in above section "Adoption of electrical code". Whenever electric wiring, appliances or apparatus shall be defective or hazardous through improper manufacture of improper or insufficient insulation or for any other reason, he shall at once cause the removal of such defect, at the expense of the owners of such wiring, appliance or apparatus.

Inspection.

Upon the completion of the wiring, installation or alteration of any building or structure for light, heat, power, appliance or apparatus, it shall be the duty of the person having direct charge of such to notify the code enforcement officer who shall, as early as possible, inspect such wiring, installation, appliance and apparatus. If installed, altered and constructed in compliance with the permit and in accordance with the requirements of this article, he shall execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of his examination, but no such certificate shall be issued unless such electric wiring, motors, heating devices, appliances and apparatus be in strict accord with the rules and requirements and the spirit of this article, nor shall current be turned on such installation, equipment, appliances, motors, heating devices and apparatus until such certificate be issued. The amount of fee or charge to be made for such inspection and certificate shall be fixed and determined by the city council and on file in the city secretary's office.

Interpretation of standards.

All electrical construction and all materials, appliances, motors, heating devices and apparatus used in connection with electrical work and the operation of all electrical apparatus within the city shall conform to the rules and requirements of the National Electrical Code adopted in above section "Adoption of electrical code" when work is performed or equipment and apparatus installed. The code enforcement officer supervising the enforcement of this article will have the responsibility and authority for making interpretations of the rules, for deciding upon the approval of equipment, materials and construction and granting permission contemplated in a number of the rules. The code enforcement officer, where necessary, shall follow the code procedure for securing official interpretations of the code.

Restrictions upon failure to comply.

Any person who shall fail to correct any defect in his work or to meet the required standards within a reasonable time after having been given notice of the unfit condition by the code enforcement officer shall be refused any other permit until such defect has been corrected and shall be subject to revocation of his license issued in above section "Conditions for issuance" for continually defective work or upon conviction for violation of the provision of this article.

ARTICLE IV. PLUMBING STANDARDS

Plumbing code adopted by reference.

There is hereby adopted by reference as the plumbing code of the city the 2015 International Building Code as fully as if set out herein in full. One (1) copy of the code is on file in the city secretary's office. The provisions of this code shall govern all plumbing installed, altered or repaired within the city and wherever water or sewage service originating from the municipal water or sewer system is furnished.

Enforcement of article; inspections.

- (a) It shall be the duty of the code enforcement officer to enforce all provisions of this article, and he is hereby granted the authority to enter all buildings within the corporate limits of the city when such buildings are connected or to be connected to the municipal water or sewage system to enforce this article.
- (b) The code enforcement officer shall have experience in plumbing to the extent that enables him to know when plumbing is installed correctly.
- (c) It shall be the duty of the code enforcement officer to inspect and test all plumbing for compliance with this article, and to enforce the changing of such installation that does not meet the requirements. It further shall be his duty to see that all persons installing or altering plumbing shall be licensed by state law.
- (d) The code enforcement officer shall not be directly connected in any way with any person directly or indirectly engaged in the business of plumbing or plumbing suppliers.

- (e) The code enforcement officer shall receive as full compensation for his services, a salary designated by the city.
- (f) The code enforcement officer shall prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such materials.

Work permits.

- (a) Before beginning any work in the city the person installing or altering the plumbing shall obtain a permit to do such work. Only those persons legally authorized to do plumbing may be issued permits. A permit may be issued to a homeowner to install or alter plumbing in a single-family residence, providing the homeowner does the work himself and that the building is owned and occupied by the owner as his home. All such work shall meet the code requirements.
- (b) All applications for permits shall be made on suitable forms provided. The application shall be accompanied by fees in accordance with guidelines set forth in the International Building Code as adopted in above section "Plumbing code adopted by reference". One copy of this code is on file in the city Secretary's office.

Bond.

Every master plumber doing business in the city shall execute and deliver to the city a bond with a surety bonding company in the sum of one thousand dollars (\$1,000.00) to indemnify the city or any citizen for any damage caused by the failure of such master plumber to comply strictly with the provisions of this article. No plumbing permit shall be issued to any master plumber unless this bond has been delivered to the city and is in full force and effect.

Cross connections, back flow.

- (a) The city water department and the code enforcement officer are hereby authorized to discontinue or cause to be discontinued all water service to any and all premises, lands, buildings or structures as provided herein where it is found that an immediate hazard exists to the purity or potability of the city water supply or the connection does not meet the requirements of the plumbing code.
- (b) The city water department and the code enforcement officer are hereby authorized and directed to take such steps as necessary to determine all potential hazards to the purity or potability of the city water supply which exist. Upon determining potential hazards it shall be their duty to immediately notify the owner or such other person responsible for the premises, specifying the hazards, and notifying the person that in the event that the hazard is not corrected within thirty (30) days from the date of such notice, all water services shall be discontinued thereafter until the requirements of this article have been complied with.

ARTICLE V. GAS

Gas code adopted by reference.

There is hereby adopted by reference as the gas code of the city the 2015 International Building Code as fully as if set out herein in length. One (1) copy of this code is on file in the city secretary's office. The provisions of this code shall govern all gas and gas appliances installed, altered or repaired within the city.

Enforcement of article; inspections.

- (a) It shall be the duty of the code enforcement officer to enforce all provisions of this article, and he is hereby granted the authority to enter all buildings within the corporate limits of the city

when such buildings or appliances therein are installed or connected, or to be connected to gas to enforce this article.

- (b) The code enforcement officer shall have experience in gas appliances and fixtures, etc., to the extent that enables him to know when it is installed correctly.
- (c) It shall be the duty of the code enforcement officer to inspect and test all gas installations for compliance with this article, and to enforce the changing of such installation that does not meet the requirements. It further shall be his duty to see that all persons installing or altering gas and appliances, etc., shall be qualified.
- (d) The code enforcement officer shall prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such materials required under the code adopted in above section "Gas code adopted by reference".

ARTICLE VI. HOUSING STANDARDS

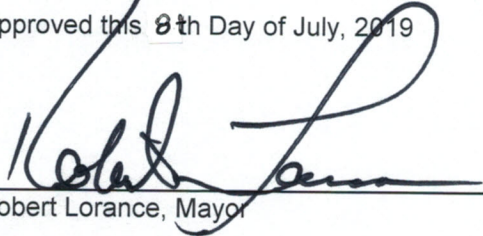
Code adopted.

There is hereby adopted by reference, 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, including permits, that certain code known as the 2015 International Building Code and the same is incorporated as fully as if set out at length herein. The provisions thereof shall control in all buildings and structures within the city. One (1) copy of this code is on file in the city secretary's office.

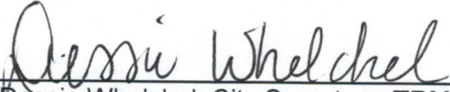
Enforcement.

- (a) It shall be the duty of the code enforcement officer to enforce all laws and provisions specified in the standard housing code adopted in above section "Code adopted".
- (b) The code enforcement officer, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

Approved this 8th Day of July, 2019


Robert Lorance, Mayor

Attest:


Dessie Whelchel, City Secretary, TRMC

