Village of Volente

Adoption of Building & Construction Codes

ORDINANCE NO. 2004-O-19

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, REQUIRING BUILDING PERMITS FOR CERTAIN CONSTRUCTION ACTIVITIES, AND ADOPTING THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, THE INTERNATIONAL BUILDING CODE, THE NATIONAL ELECTRICAL CODE, THE UNIFORM PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL ENERGY CONSERVATION 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 VILLAGE; PROVIDING FOR REVISIONS TO CODE; ISSUANCE OF PERMITS AND COLLECTION OF FEES; ENFORCEMENT, INCLUDING FINES AND PENALTIES NOT TO EXCEED $500; A REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the Village of Volente seeks to provide for the safe and orderly development of property within its corporate limits and extraterritorial jurisdiction; and

WHEREAS, the City Council seeks to deter shabby craftsmanship, minimize water loss and damage, prevent fires, reduce storm damage to neighboring properties, preserve property values, and conserve vital fuel and natural resources; and

WHEREAS, the City Council finds that poorly constructed buildings constitute a nuisance and a threat to the public health, safety and general welfare; and

WHEREAS, the City Council finds it to be in the best interest of the public to provide for the uniform regulation of the construction, design, repair, and maintenance of residential buildings within the Village; and

WHEREAS, the City Council is authorized to regulate construction and prohibit nuisances pursuant to the Village's general police powers and Texas Local Government Code Chapters 51, 54, and 217; and

WHEREAS, pursuant to Texas Local Government Code Chapter 214 the City Council is expressly authorized to establish procedures to adopt certain building codes, establish local amendments to such codes, and provide for the administration and enforcement of the codes; and

WHEREAS, the City Council finds it to be in the public interest to adopt other designated codes; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS:

1. ENACTMENT CLAUSES

A. Popular Name
This Ordinance may be referred to as the "Building Code Ordinance."

B. Findings of Fact
All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

C. Purpose
This Ordinance is adopted so that the City Council may promote the public health, safety, morals and general welfare within the Village through the regulation of certain construction activities.

D. Compliance Required

(1) It shall be unlawful for any person to alter, build, construct, demolish, erect, extend, install, modify, move, remodel, or remove a building, site place, or structure in a manner not in compliance with this Ordinance.
(2) It shall be unlawful for any person to grade and/or fill in a manner not in compliance with this Ordinance.

E. Scope of Jurisdiction
The provisions of this Ordinance shall apply within the Village Limits (i.e., incorporated municipal boundary) of the Village.

F. Applicability

This Ordinance shall not apply to properties upon which construction lawfully commenced prior to the adoption of this Ordinance.

G. Effective Date

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

2. DEFINITIONS

A. General

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases that are not defined in this Ordinance but are defined in other ordinances of the Village shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this Ordinance.

B. Specific

(1) **Alter** means to make a physical change in or to a building, object, site or structure.

(2) **Build** means to form by ordering and uniting materials by gradual means into a composite whole. The term includes the expansion or development of buildings or structures. The term also includes the installation or placement upon land of a pre-fabricated building, other than HUD-Code Manufactured Homes.

(3) **Building** means an improvement or change to the property which substantially reduces the permeability of the natural ground underneath the building or structure to absorb rainfall. This term also includes a dwelling, such as a house, barn, church, hotel, or similar structure created to shelter any form of human activity.

(4) **Building Inspector** means the person appointed by the City Council to inspect building activities to ensure compliance with applicable codes, permits and ordinances. The Village's building inspector can be a volunteer, employee, agent of another political subdivision, company, corporation, or independent contractor retained by the Village.

(5) **Building Official** means the person appointed by the City Council to receive and review applications for permits and ensure compliance with applicable codes, permits and ordinances. The Village's building official can be a volunteer, employee, agent of

another political subdivision, company, corporation, or independent contractor retained by the Village.

(6) **Clear** means to make a material change in the character of the land, including but not limited to the extraction of vegetation, removal of brush, cutting of trees, or modification of the natural grade or slope of the land.

(7) **Construct** means to excavate or grade property in connection with construction of a foundation for any improvement to be located on the land. The term also means to form a building or structure by combining materials or parts.

(8) **Demolish** means to remove all or part of a building or structure.

(9) **Develop** means to make a material change in the use or character of the land, including but not limited to the placement of any building or other structure on the land.

(10) **Expand** means to add any square footage of impervious cover on the building or property, regardless of whether such addition will be covered or uncovered.

(11) **Fill** means to deposit or stockpile dirt, stone, construction debris or other material in order to modify land or alter current drainage patterns.

(12) **Grade** means to clear, strip, cut, fill or stockpile dirt, including land in its cut and filled condition, to create new grades or alter current drainage patterns.

(13) **Ordinary Maintenance** means activities relating to a property that would be considered ordinary or common for maintaining the property, including but not limited to repairs, or the replacement of materials with identical or in-kind materials. The term expressly omits activities involving the expansion, modification, enlargement, reduction, renovation or remodeling of buildings or structures. The term also omits the cutting away of walls or partitions, cutting or removal of a structural beam or load bearing support; removal or change of means of egress.

(14) **Person** means any human individual or corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

(15) **Repair** means the maintenance of or the return to a state of utility of a building, object, site or structure.

(16) **Structure** means a combination of materials to form a construction for use, occupancy,

or ornamentation installed on, above, or below the surface of land or water. The term refers to something arranged in a definite pattern of organization. The term includes those functional constructions made usually for purposes other than creating shelter. The term includes but is not limited to driveways, roads, streets, sidewalks, porches towers, and tanks. The term also includes additions to or expansions of mobile homes, HUD-Code Manufactured Homes, manufactured homes, modular homes, and industrialized housing.

(17) **Temporary Structures & Use** mean the creation of structures or use of land that are limited as to time of service, but shall not be permitted for more than 180 days.

(18) **Vacant Lot** means land that is undeveloped and unused. The term also includes any area with significant amounts of land not covered by impervious surfaces that is suitable for development or infill.

(19) **Village** means the Village of Volente, an incorporated municipality located in Travis County, Texas, its agents and employees.

3. RESIDENTIAL BUILDING CODE

A. Code Adopted

The Village hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as the "International Residential Code for One- and Two- Family Dwellings," published by the International Code Council, Inc., as may be amended. Such document, as may be amended, is hereby adopted as the "Residential Building Code" of the Village for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to and use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the Village, and providing for the issuance of permits and collection of fees therefore; and each and all regulations, provisions, conditions and terms of such International Residential Code, which is adopted and made a part hereof as if fully set out in this Ordinance. The Residential Building Code shall also include the certain Appendix Chapters, as may be designated by the City Council.

B. Permit Required

It shall be unlawful for any person to build residential buildings or structures within the Village without first applying for and receiving a permit. It shall also be unlawful to build within the Village contrary to a permit that has been issued.

C. Exemptions

A building permit is not required for the following:

(1) painting, wallpapering, tiling, carpeting, installing cabinets or countertops, or similar work;
(2) constructing one-story detached accessory structures used as storage sheds, playhouses, or similar uses, provided the floor area does not exceed twenty (20) square feet;
(3) installing prefabricated above-ground swimming pools that are less than twenty-four (24) inches deep and do not exceed five thousand (5000) gallons; or
(4) performing ordinary maintenance.

D. Temporary Structures & Use

The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than one hundred eighty (180) days.

4. COMMERCIAL BUILDING CODE

A. Code Adopted

The Village hereby adopts a certain document, a copy of which are on file in the office of the Village Secretary, being marked and designated as the "International Building Code," published by the International Code Council, Inc., as may be amended. Such document, as may be amended, is hereby adopted as the "Commercial Building Code" of the Village for control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Commercial Building Code, which is adopted and made a part hereof as if fully set out in this Ordinance. The Commercial Building Code shall also include the certain Appendix Chapters as may be designated by the City Council.

B. Permit Required

It shall be unlawful for any person to build non-residential buildings or structures within the Village without first applying for and receiving a permit. It shall also be unlawful to build within the Village contrary to a permit that has been issued.

C. Exemptions

A building permit is not required for the following:

(1) painting, wallpapering, tiling, carpeting, installing cabinets or countertops, or similar work;
(2) constructing one-story detached accessory structures used as storage sheds, playhouses, or similar accessory uses, provided the floor area does not exceed twenty (20) square feet; or
(3) performing ordinary maintenance.

5. NATIONAL ELECTRICAL CODE

A. The Village of Volente ("Village") hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as the "The National Electrical Code," as may be amended. Such document, as may be amended, is hereby adopted as the "Electrical Code" of the Village, and as such shall apply to all residential electrical construction applications. The City Council may establish procedures for the administration and enforcement of the Electrical Code, and may adopt local amendments to the National Electrical Code.

B. Permit Required
It shall be unlawful for any person to perform any plumbing work within the Village without first applying for and receiving a permit. It shall also be unlawful to perform any plumbing work within the Village contrary to a permit that has been issued.

C. A building permit is not required for the following:
(1) performing ordinary maintenance; or
(2) conducting emergency repairs or replacement if the permit application is submitted to the Village the next business day.

6. UNIFORM PLUMBING CODE

A. Code Adopted
The Village hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as the "The Uniform Plumbing Code," published by the International Association of Plumbing and Mechanical Officials, as may be amended. Such document, as may be amended, is hereby adopted as the "Plumbing Code" of the Village, and as such shall apply to all plumbing construction applications. The City Council may establish procedures for the administration and enforcement of the Plumbing Code, and may adopt local amendments to the Uniform Plumbing Code.

B. Permit Required
It shall be unlawful for any person to perform any plumbing work within the Village without first applying for and receiving a permit. It shall also be unlawful to perform any plumbing work within the Village contrary to a permit that has been issued.

C. Compliance Required
Additions, alterations, renovations or repairs to any plumbing system shall conform to that required for a new plumbing system without requiring the existing plumbing system to comply with all the requirements of this code. Minor additions, alterations, renovations and repairs to existing plumbing systems shall be permitted in the same manner and arrangement as in the existing system, provided

that such repairs or replacement are not hazardous and are approved.

D. Exemptions

A plumbing permit is not required for the following:

(1) stopping leaks, provided that if any concealed trap, drainpipe, or vent pipe becomes defective and it becomes necessary to remove and replace with new material, such removal and replacement activities shall be considered new work that requires a permit and inspection under this code;

(2) clearing of stoppages or the repairing of leaks in pipes, valves or fixtures; provided the repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures;

(3) performing ordinary repairs and maintenance; or

(4) conducting emergency repairs or replacement if the permit application is submitted to the Village the next business day.

7. INTERNATIONAL MECHANICAL CODE

A. Code Adopted

The Village hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as the "The International Mechanical Code," as developed by the International Code Council, as may be amended. Such document, as may be amended, is hereby adopted as the "Mechanical Code" of the Village, and as such shall apply to all mechanical construction applications. The City Council may establish procedures for the administration and enforcement of the Mechanical Code, and may adopt local amendments to the International Mechanical Code.

B. Permit Required

It shall be unlawful for any person to perform any mechanical work within the Village without first applying for and receiving a permit. It shall also be unlawful to perform any mechanical work within the Village contrary to a permit that has been issued.

C. Exemptions

A permit is not required for the following:

(1) performing ordinary repairs and maintenance; or

(2) conducting emergency repairs or replacement if the permit application is submitted to the Village the next business day.

8. INTERNATIONAL ENERGY CONSERVATION CODE

The Village hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as the "The International Energy Conservation Code." Such

document, as may be amended, is hereby adopted as the "Energy Conservation Code" of the Village, and as such shall apply to all residential and commercial construction applications. The City Council may establish procedures for the administration and enforcement of the Energy Conservation Code, and may adopt local amendments to the International Energy Conservation.

9. GRADE & FILL

A. Permit Required

It shall be unlawful for any person to grade or fill a vacant lot without first applying for and receiving a permit from the Village in compliance with this Ordinance.

B. Permit Standards

(1) In considering whether to issue a grade and fill permit, the Village shall evaluate the impact of the proposed drainage patterns on neighboring properties and waterways.
(2) The stockpiling of any dirt or other fill material may only be for a temporary period not to exceed one hundred and eight days (180).

10. ENFORCEMENT

A. Civil and Criminal Penalties

The Village shall have the power to administer and enforce the provisions of this Ordinance and the codes adopted by this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance or the codes herein adopted is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

B. Criminal Prosecution

Any person violating any provision of this Ordinance or the codes herein adopted shall, upon conviction, be fined a sum not exceeding $500.00. Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

C. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and the codes herein adopted, and to seek remedies as allowed by law, including, but not limited to the following:

(1) injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
(2) a civil penalty up to $100.00 a day when it is shown that the defendant was actually

notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and

(3) other available relief.

11. CODE CONFLICTS

If any provision of this Ordinance shall be interpreted as conflicting with or being contrary to a provision in any of the codes adopted by this Ordinance, the more stringent requirement shall govern. If it in case of a conflict it is not easily discernible which provision is more stringent, the requirements stated in the text of this Ordinance shall govern.

12. REPEALER

A. All Ordinances or parts of Ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

B. Specifically repealed by this Ordinance are ordinances 2001.07 and 2001.22, which shall remain in effect only in regards to permits that were issued and actions that were taken when 2001.07 and 2001.22 were applicable.

13. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

14. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 20th day of April, 2004, by a 5 (ayes) to 0 (nays) to _____ (abstentions) vote of the City Council of the Village of Volente, Texas.

VILLAGE OF VOLENTE

by: _____
Jan Yenawine, Mayor

ATTEST:

_____
Jennifer Zufelt, City Secretary

APPROVED AS TO FORM:

_____
Alan J. Bojorquez, City Attorney

APPENDIX 1

Fee Schedule

Appendix ??

Food for Thought:

This was discussed at the March meeting but not acted upon. Does the Village want these types of exceptions in addition to those exceptions in the ordinance (see the sections above) or in the Codes themselves?

Volente might determine that requiring building permits for certain categories of "small projects" is to much of a hassle, too controversial, too much of a headache, too costly politically, and yields little if any increase in public safety. If so, we can exclude "small projects," which we can define in many ways, including the following:

> Building permits are not required for **Small Projects**, which are hereby defined as a construction project, residential or commercial, valued at no more than five thousand dollars ($5,000) in total construction costs, subject to the following exclusions:
>
> 1. Demolition of load-bearing structures, including retaining walls, concrete foundations, masonry and stone structures, steel and wood columns, beams and trusses.
> 2. Demolition of exterior walls, except for window or door installation involving less than 20% of the length of existing wall.
> 3. New construction of load-bearing structures, including retaining walls, concrete foundations, masonry and stone structures, steel and wood columns, beams and trusses.
> 4. Demolition of electrical service.
> 5. New installation of electrical service and HVAC systems.
> 6. New installation of masonry and prefab fireplaces, including freestanding heating stoves.
> 7. Construction of overhead canopies, bridges, suspended walkways or roofs.

2/15/05 Setting of forms for slabs would be the start of construction with a time line of completion of six months.