



# CITY COUNCIL WORKSHOP CITY OF BAY CITY

Tuesday, November 12, 2024 at 4:30 PM  
COUNCIL CHAMBERS | 1901 5th Street

## COUNCIL MEMBERS

**Mayor:** Robert K Nelson

**Mayor Pro Tem:** Becca Sitz

**Council Members:** Benjamin Flores, Jim Folse, Bradley Westmoreland, Blayne Finlay

### Vision Statement

*We envision Bay City as a thriving, family-centered community where our citizens can live, work, worship, and play, while welcoming visitors to experience our beautiful environment and diverse culture.*

## AGENDA

**THE FOLLOWING ITEM WILL BE ADDRESSED AT THIS OR ANY OTHER MEETING OF THE CITY COUNCIL UPON THE REQUEST OF THE MAYOR, ANY MEMBER(S) OF COUNCIL AND/OR THE CITY ATTORNEY:**

*ANNOUNCEMENT BY THE MAYOR THAT COUNCIL WILL RETIRE INTO CLOSED SESSION FOR CONSULTATION WITH CITY ATTORNEY ON MATTERS IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT (TITLE 5, CHAPTER 551, SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE).*

**CALL TO ORDER**

**CERTIFICATION OF QUORUM**

**PUBLIC COMMENTS**

**REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND / OR APPROVAL**

- 1.** Discuss, consider, and/or approve an ordinance of the City of Bay City amending Chapter 22 of the Code of Ordinances, adopting updated editions of the International Building Codes, with certain additions, deletions, and amendments, as the building code of the City of Bay City; providing for a cumulative & conflicts clause; providing a severability clause; providing a savings clause; and providing an effective date. (Strategic Goal - Planning & Development)

**ADJOURNMENT**

**CERTIFICATION OF POSTING**

This is to certify that the above notice of a City Council Workshop Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on **Friday, November 8, 2024 before 5:00 p.m.** Any questions concerning the above items, please contact the Mayor and City Manager's office at (979) 245-2137.



**CITY OF BAY CITY**  
1901 FIFTH STREET  
BAY CITY, TEXAS 77414  
(979) 245-2137  
FAX: (979) 323-1626

## AGENDA ITEM SUBMISSION FORM

Any item(s) to be considered for action by the City Council, must be included on this form, and be submitted along with any supporting documentation. Completed Agenda Item Submission forms must be submitted to the City Secretary’s Office no later than 4:00 p.m. on the Monday of the week prior to the Regular Council meeting.

**Requestor Name:** Mason, Krystal **Date Submitted:** 11/7/2024  
*Last, First* *MM/DD/YYYY*

**Requestor Type :** City Staff **Meeting Date:** 11/12/2024  
*Citizen/City Staff/Council Member* *MM/DD/YYYY*

**Position Title** Assistant Director of Public Works  
*For City Staff Only*

**Agenda Location:** Discussion Item  
*(e.g.: Consent Agenda/ Discussion Item/ Public Hearing/ Executive Session/ Presentation)*

### Agenda Content:

**Discuss, consider, and/or approve an ordinance of the City of Bay City amending Chapter 22 of the Code of Ordinances, adopting updated editions of the International Building Codes, with certain additions, deletions, and amendments, as the building code of the City of Bay City; providing for a cumulative & conflicts clause; providing a severability clause; providing a savings clause; and providing an effective date.**

### Executive Summary of Item:

***Strategic Goal 4: Planning and Development- Update all ordinances to match state requirements and building guidelines where applicable.***

The City of Bay City currently requires construction under the 2015 International Codes, 2009 International Property Maintenance Code and 2014 National Electrical Code. Staff recommends the adoption of the 2021 International Code Series, and the 2023 National Electrical Code. The codes are adopted together as a series since the codes are fully compatible with each other and provide many cross references. The purpose of the code series is to provide international model code forum and to provide consistency across the region.

The main purpose of updating codes is to maintain up to date codes that address design and installation of building systems through requirements which emphasize performance and safety.

In addition, updating the codes is an important factor in securing a higher rating with the Insurance Service Organization (ISO). A higher rating may provide insurance benefits and cost savings for citizens. In addition, Staff has updated Chapter 22 – Buildings to eliminate conflicts among codes, improve ease of finding requirements, and addressing challenges such as accessory structures and accessory dwelling units.

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS AMENDING THE CITY OF BAY CITY CODE OF ORDINANCES CHAPTER 22 BUILDINGS AND BUILDING REGULATIONS BY AMENDING ARTICLE I TITLED IN GENERAL, ARTICLE II TITLED RESIDENTIAL BUILDINGS, ARTICLE III TITLED BUILDING CODE, ARTICLE IV TITLED ELECTRICAL CODE, ARTICLE V TITLED PLUMBING AND GAS, ARTICLE VI TITLED MECHANICAL CODE, ARTICLE VII TITLED HOUSING CODE, ARTICLE VIII TITLED ENERGY EFFICIENCY STANDARDS, ARTICLE X TITLED HOUSE MOVING AND ADDING ARTICLE XII TO BE TITLED SIGNS; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2.02 of the City’s Charter permits the City to pass and enforce ordinances, not inconsistent with the Charter and State law, upon any subject expedient for the life; general welfare; health; morals; comfort; safety; amusement; quiet; prosperity; and convenience of the City, its inhabitants, and property; and may provide suitable penalties for the violations of any ordinance;

WHEREAS, Chapter 22 of the City’s Municipal Code of Ordinances regulates buildings and building regulations; and

WHEREAS, the City reviews the building regulations and applicable International Building Codes on an annual basis and updates and revises its building code ordinances; and

WHEREAS, the City Council has determined that the safety, health and welfare of the citizens and general public require amendments to Chapter 22 of the Code of Ordinances to adjust, update and revise the City’s buildings and building regulations; and

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

**Section 2. Amendments to Municipal Code of Ordinances.** The City of Bay City’s Municipal Code of Ordinances, Chapter 22 (entitled “Buildings and Building Regulations”), Article I (entitled “In General”), Article II (entitled “Residential Buildings”), Article III (entitled “Building Code”), Article IV (entitled “Electrical Code”), Article V (entitled “Plumbing and Gas”), Article VI (entitled “Mechanical Code”), Article VII (entitled “Housing Code”), Article VIII (entitled “Energy Efficiency Standards”), Article X (entitled “House Moving”), and adding Article XII (to be titled “Signs”) are amended by adding language that is underlined (underlined) and deleting language that is stricken (~~stricken~~) as follows:

## Chapter 22 BUILDINGS AND BUILDING REGULATIONS<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 22-1. Appeals.

Appeals of any provision of this chapter shall be pursuant to the process outlined in [City of Bay City Municipal Code of Ordinances, Chapter 2, Article VII, Division 2, Variance Committee section 2-267](#).

#### Sec. 22-2. New home construction program established.

Pursuant to V.T.C.A., Local Government Code Ch. 380, the city council hereby establishes a program to encourage new home construction as follows:

(1) *Definitions.*

*Baseline taxes* means the real property taxes for the property, or a platted lot that is included as part of the property, before new home construction has occurred for calendar year 2013.

*Development regulations* means provisions of [the] city's Code of Ordinances and Unified Codes, including but not limited to international building codes adopted by city, relevant to new home construction.

*Force majeure* means an event beyond the reasonable control of a party obligated to perform an act or take some action under this agreement including, but not limited to, acts of God, earthquake, fire, explosion, war, civil insurrection, acts of the public enemy, act of civil or military authority, sabotage, terrorism, floods, lightning, hurricanes, tornadoes, severe snow storms or utility disruption, strikes, and lockouts.

*Grant payments* means city's rebate payments to new home builders in the amount of the annual percentage of the increased taxes for new home construction on a platted lot.

*New home builder* means a company whose business is the construction of residential housing.

*Increased taxes* means the real property taxes on a property increased by the construction of a new home, for any calendar year during the term of this agreement, less the baseline taxes.

*Platted lot* means a lot shown on exhibit "A" that has been platted in accordance with the city's subdivision regulations.

*MCAD* means the Matagorda County Appraisal District.

*New home construction* means the construction of a new home, on a vacant platted lot, when such construction is initiated on the speculation by new home builder that the new home will be sold.

*Property* means one or more platted lots that are described in exhibit "A."

<sup>1</sup>Editor's note(s)—Ord. No. 1562, § 2, adopted December 17, 2015, set out provisions for use herein. At the editor's discretion those provisions have been treated as repealing ch. 22, arts. II—IX, and enacting ch. 22, arts. II—X. See Code Comparative Table for complete history of derivation.

Charter reference(s)—Authority to adopt codes of technical regulations, § 5.01.

State law reference(s)—Regulation of housing and other structures, V.T.C.A., Local Government Code § 214.001 et seq.; authority to regulate buildings and construction, V.T.C.A., Local Government Code § 342.011 et seq.

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*Real property improvements* means improvements to real property for which MCAD assesses a value.

*Real property taxes subject to grant* means city's share of the ad valorem taxes assessed by the MCAD on the value of property after the completion of new home construction has occurred less the baseline taxes amount, for any calendar year during the term of this agreement.

*Site built home* means a home that is constructed or assembled on site with exterior walls made out of brick, brick veneer, wood, or similar materials. The term does not include HUD approved manufactured housing or modular housing.

*Speculation* means with a contract or other commitment that the new home will be purchased upon completion.

*Transferee* means a third party to whom new home builder conveyed the right to receive a refund under the provisions of this ordinance.

*Value* means the assessed value of real property above baseline value, for new home construction on a platted lot, as determined by the MCAD. Value shall not include incomplete construction.

(2) *Project requirements.*

a. *House and lot size.*

1. The square footage of the air-conditioned living space shall be at least 1,400 square feet or 14 percent of the platted lot, whichever is greater.
2. The platted lot shall not exceed one acre.

b. *Description of property.*

1. Properties eligible for grant payments under this program must be platted and of such configuration to allow new home construction in accordance with development regulations.

c. *Development and construction of new homes.*

1. New home construction shall be site built construction.
2. New home construction must be plumbed for natural gas services.

d. *Services.*

1. Development must include connection to city services of water, sewer, natural gas and sanitation.

e. *Application.*

1. Application for this program must be submitted by the new home builder on a form provided by the city.
2. Grant payment applications must be submitted by the new home builder or the transferee on or before the last business day during the month of January of each year of eligibility.
3. Applications shall be reviewed by the mayor or the mayor's designee for administrative completeness and compliance with the requirements of this section.
4. Notice of decisions shall be provided within 60 days of receipt of application.
5. An appeal of an adverse decision shall follow the procedures in section 22-1.

f. *Agreement.*

1. If approved, new home builder shall be required to enter into the incentive program agreement offered by the city.

- 2. Failure or refusal to enter into the incentive program agreement offered by the city shall result in termination of the application process and no grant payments shall be disbursed to new home builder.
- 3. A request to confer the benefit of this program to a third party shall be submitted, in a notarized statement signed by the authorized representative of the new home builder, for approval of the transfer by the city.

(3) *Grant payment.*

- a. *Grant payments.* New home builders in full compliance with the requirements of this program may be eligible for grant payments as follows:
  - 1. Grant payments shall be made from the increased taxes incurred because of the construction of a new home.
  - 2. Subject to grant collected by city provided for each property on which the construction of a new home has been completed as evidenced by issuance of a certificate of occupancy and connection to water, sewer and natural gas services).
  - 3. Grant requests must be made each year to maintain eligibility for the full three year program.

(4) *Maximum grant period.* The maximum grant period shall not exceed a duration of three years. The three year period shall be cumulative of time period for new home builder and transferee.

- a. *Special fund.* [The] city will provide for the payment of grant payments to be made pursuant to a separate agreement with an approved home builder. The city shall establish a separate fund at city, or a subaccount of any existing fund or account in city treasury, into which the real property taxes subject to grant received by city from a new home builder be deposited during the term of the agreement with the homebuilder (the "special fund").
- b. *Funds not considered debt.* Amounts payable under this program constitute economic development funds under Art. III, § 52-a, Texas Constitution, are not secured by a pledge of ad valorem taxes or financed by the issuance of any bonds or other obligations payable from ad valorem taxes of city, and therefore are not considered to be a constitutional debt of city.

(Ord. No. 1466, 7-25-2013; Ord. No. 1547, § 2, 8-27-2015 )

**Secs. 22-3—Authority to enforce.**

The City's building official and inspectors shall have the authority to enforce all provisions of this article, including the International Building Code, International Existing Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, International Energy Conservation Code, International Property Maintenance Code and National Electrical Code. The building official shall also have the following powers and duties:

- (1) Enforce the provisions of this article
- (2) To enter any structure, building or premises to examine and inspect any building, mechanical, electrical or other work therein, during all reasonable hours
- (3) To order utility service disconnected where improper or defective work exists or where construction or equipment has been installed without a permit as required herein; or in emergency cases
- (4) To order compliance with the provisions of this article where a change of occupancy occurs in a building which requires changes or alterations
- (5) To order all persons to cease and desist doing any work planned or performed without a permit and/or where such work is in violation of this division

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(6) [To levy fines for penalties as listed in Appendix B – Fee Schedule.](#)

**Secs. 22-4—Building Trade Codes Adopted.**

[In order to establish uniform rules, regulations and provisions for the placement, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings, signs and structures, there is hereby adopted by the city the following building trade codes:](#)

- (1) [2021 International Building Code, as amended with appendixes](#)
- (2) [2021 International Existing Building Code, as amended with appendixes](#)
- (3) [2021 International Residential Code, as amended with appendixes](#)
- (4) [2021 International Mechanical Code, as amended with appendixes](#)
- (5) [2021 International Plumbing code, as amended with appendixes](#)
- (6) [2021 International Fuel Gas Code, as amended with appendixes](#)
- (7) [2021 International Energy Conservation Code, as amended with appendixes](#)
- (8) [2021 International Property Maintenance Code, as amended with appendixes](#)
- (9) [2023 National Electrical Code, as amended](#)

**Secs. 22-5—Street Numbers.**

- (1) [Each main residential, business, commercial and industrial building shall have placed on the front of the building an address in accordance with the International Building Code, Section 502 Building Address.](#)
- (2) [It shall be the duty and responsibility of all builders to place these numbers on new buildings or properties.](#)
- (3) [It shall be the duty of the owners and occupants of every house or building used for residential, business, commerce or industry in the city to place and maintain the numbers on their buildings or properties.](#)

**Secs. 22-6—Fees.**

[All fees required under this chapter are established in the City of Bay City Code of Ordinances Appendix B. A copy of the schedule shall be on file with the city secretary and building official. A permit shall not be issued nor any amendment made to a permit until all fees have been paid. The city council may waive permit fees for work being performed by humanitarian or charitable organizations that work to provide people affordable housing.](#)

**Secs. 22-7—Inspections.**

- (1) [The building official or his designee may enter a building to perform any inspection under this chapter with the express consent of a person in control of the property or if a building is unsecured to the extent that it could be entered by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.](#)

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- (2) If entry is refused, the building official is authorized to pursue recourse as provided by law, including all rights and authority granted under the Vernon's Ann. C.C.P. Article 18.05.
- (3) All medical gas piping inspections and required third party inspections are the financial responsibility of the property owner or the property owner's designee. Prior to the issuance of the certificate of occupancy, reports for medical gas piping inspections and required third party inspections shall be submitted to the city building official.

### **Secs. 22-8—Licensing and Registration of Contractors Required.**

- (a) Building contractors and builders. It shall be the duty of every contractor or builder, who shall make contracts for the erection, repair or demolition of buildings or structures for which a permit is required within the city or outside of the city where the property and building or structure is or may be connected to the city water and sewer system and every contractor or builder making such contracts and subletting the same or any part thereof, to register with the city according to the following:
  - (1) A homeowner who constructs or repairs his own residence or other property owned and operated by such owner is exempt from the registration provision of this article; however, any subcontractors must be registered. To qualify, the homeowner must demonstrate that a homestead exemption is on file with the County and complete the homeowner's exemption affidavit at the time of permit issuance.
  - (2) Each applicant for a contractor or builder registration shall provide such identification and information as required by the building official to establish identities of owners, location and scope of business operations.
  - (3) Upon the showing of incompetence or continued violations of this article the city council may revoke a registration issued by the city.
- (b) Electricians.
  - (1) Registration required. It shall be unlawful for any person to perform electrical work within the city or outside the city where the property is or may be connected to the city water and sewer system without first registering with the city.
  - (2) Personal residence exemption. A homeowner who performs electrical work within his personal residence is exempt from the licensing provision of this article; however, any subcontractor must be licensed. To qualify, the homeowner must demonstrate that a homestead exemption is on file with the County and complete the homeowner's exemption affidavit at the time of permit issuance.
  - (3) State and city license required. 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 city, or for any person in any manner to undertake such work unless such person is the holder of the appropriate electrician license as required by the state and registered with the city.
  - (4) Current registration and place of business required. Every electrical contractor must be currently registered with the city as a master electrician. Every master electrician must have and maintain an established place of business and shall have a listed telephone.
  - (5) Signs. It shall be unlawful for any person to falsely represent himself as a licensed electrician of any class set forth in this article or to use the terms "electrical contractor," "master 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 terms used as provided in this article.
  - (6) Classification of electrical licenses. There shall be seven classes of licenses that shall be known as follows:
    - a. Master electrician;

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- b. Limited master electrician—Signs;
- c. Limited master electrician—Elevator;
- d. Limited electrician—Governmental;
- e. Maintenance electrician;
- f. Journeyman electrician; and
- g. Apprentice electrician.

- (7) Registration. Electrical contractors must present a current copy of their state electricians license and must also show proof of insurance. All classifications of electricians must be registered with the city.
- (8) Revocation. Upon the showing of false information on the application, incompetence in performing electrical work or continued violation of this article, such license may be revoked by the city council.
- (9) Licensed electrician to be on job site. During the actual work of installing, maintaining, altering or repairing any electrical conductors or equipment for which a permit is required by ordinance, there shall be present and in direct supervision a qualified electrician of the proper classification. It shall be required that an electrician of the license classification of the first four grades listed in this article shall be liable and responsible for layout and technical supervision of any work which requires the securing of a permit, and a journeyman or higher classification grade electrician shall be in direct on the job supervision of work carried on as specified herein; except in work falling under the classification of sign or elevator, which work shall be directly supervised by the person holding such license or a master electrician. A master electrician must be in direct on the job supervision of the installation of electrical services for all new or add on installations of signs or elevators.
- (10) Display of license. Every holder of an electrician license shall carry his license card on his person at all times while doing electrical work and shall produce and exhibit it when requested by a building official, inspector, fire marshal, police officer or other official of the city.
- (11) Exemption from license requirements. The following classes of work may be carried out by persons who are not licensed electricians after a permit has been obtained:
  - a. Persons doing electrical work in and on property owned by them and used as their personal residence. This does not include rental or lease property.
  - b. The replacement of lamps and fuses, and the connection of portable devices to suitable receptacles when receptacles have been permanently installed.
  - c. The installation, alteration or repair of electrical wiring, devices, appliances and equipment installed by or for an electric public service company operating under a franchise from the city.

(c) Plumbers.

- (1) 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 city unless such person is the holder of the appropriate plumbing license as required by the state board of plumbing examiners. A homeowner who performs plumbing work within his personal residence is exempt from the licensing provisions of this article; however, any subcontractor must be licensed. To qualify, the homeowner must demonstrate that a homestead exemption is on file with the County and complete the homeowner's exemption affidavit at the time of permit issuance.
- (2) All plumbers who perform such work in the city or outside the city on property that is or may be connected to the city water and sewer system shall register their license with the building official before performing any work or obtaining a plumbing permit.

(d) Irrigators.

(1) It shall be unlawful for any person to engage in the business of installing, maintaining, altering or repairing any irrigation system within the city or outside the city on property that is or may be connected to the city water and sewer system unless such person is the holder of the appropriate plumbing license issued by the state board of plumbing examiners or the appropriate irrigator license issued by the state natural resource conservation commission. A homeowner who performs irrigation system work at his home is exempt from the licensing provisions of this article; however, any subcontractor must be licensed. To qualify, the homeowner must demonstrate that a homestead exemption is on file with the County and complete the homeowner's exemption affidavit at the time of permit issuance.

(2) All persons who perform such work in the city or outside the city on property that is or may be connected to the city water and sewer system shall register their license with the building official before performing such work or obtaining a permit.

(e) Mechanical contractors.

(1) 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 within the city or outside the city in or on property that is connected or may be connected to the city water and sewer systems unless such person is the holder of the appropriate air conditioning and refrigeration contractor's license as issued by the state department of licensing and regulation. A homeowner who performs mechanical work within his personal residence is exempt from the licensing provisions of this article; however, any subcontractor must be licensed. To qualify, the homeowner must demonstrate that a homestead exemption is on file with the County and complete the homeowner's exemption affidavit at the time of permit issuance.

(2) All persons who perform such work in the city or outside the city on property that is or may be connected to the city water and sewer system shall register their license with the building official before performing such work or obtaining a permit.

**Secs. 22-9—Plan Review.**

The building official may require building plans to be reviewed. Such costs will be the responsibility of the contractor. If required, the following provisions apply:

- (1) Plan review fees are required to be paid in full after commencement of any plan review and before issuance of the permit.
- (2) Plan review fees are scheduled in Appendix B – Fee Schedule.

**Secs. 22-10—Stop Work Orders.**

Upon notice from the building official, work on any system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

**Secs. 22-11—Violations.**

Any person found guilty of a violation of any of the provisions of this chapter or neglecting or refusing to comply with any order or notice made pursuant to the provisions of this chapter, shall be punished as set forth in

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[Section 1-16 of the Code of Ordinances of the City of Bay City. Each day that a violation of this ordinance shall be considered a separate violation.](#)

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Secs. ~~22-3~~<sup>12</sup>—22-14. Reserved.

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## ARTICLE II. RESIDENTIAL BUILDINGS

### Sec. 22-15. ~~Uniform Administrative Code adopted by reference~~ [repealed](#).

~~The Uniform Administrative Code, 1997 Edition, prepared by the International Code Council, a copy of which, authenticated by the signature of the mayor and the city secretary and made a public record by this section, is on file in the city secretary's office, is hereby adopted by reference as the building code of the city as fully as if copied at length in this article.~~

~~(Ord. No. 1562, § 2, 12-17-2015.)~~

### Sec. 22-16. ~~Amendments~~ [repealed](#).

~~The Uniform Administrative Code, adopted in section 22-15 is hereby amended and changed in the following respects:~~

#### ~~SECTION 101 — TITLE, PURPOSE AND SCOPE~~

~~**101.1 Title.** These regulations shall be known as the Uniform Administrative Code of the City of Bay City, may be cited as such and will be referred to herein as "this code."~~

~~**101.2 Purpose.** The purpose of this Code is to provide for the administration and enforcement of the technical codes adopted by this jurisdiction.~~

~~**101.2.1 Scope.** The provisions of this Code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.~~

~~**Exception:** Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.~~

~~**101.2.2 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.~~

~~**101.3 Intent.** The purpose of this Code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.~~

~~**101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.10 and referenced elsewhere in this code shall be considered part of the requirements of this Code to the prescribed extent of each such reference.~~

~~**101.4.1 Gas.** The provisions of the International Fuel Gas Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of~~

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appliances and the installation and operation of residential and commercial gas appliances and related accessories.

**101.4.2 Mechanical.** The provisions of the International Mechanical Code shall apply to the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy related systems. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code.

**101.4.3 Plumbing.** The provisions of the International Plumbing Code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. The installation of fuel gas distribution piping and equipment, fuel gas-fired water heaters and water heater venting systems shall be regulated by the International Fuel Gas Code.

**101.4.4 Property maintenance.** The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

**101.4.5 Fire prevention.** The provisions of the International Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

**101.4.6 Energy.** The provisions of the International Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

**101.4.7 Electrical.** The provisions of the National Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

**101.4.8 Residential.** The provisions of the International Residential Code for One and Two family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one and two family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures.

**101.4.9 Building.** The provisions of the International Building Code shall apply to all occupancies that are not within the scope of the International Residential Code. The provisions of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

**101.4.10 Existing Building.** The provisions of the International Existing Building Code shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

#### SECTION 102 — APPLICATION TO EXISTING BUILDINGS AND BUILDING SERVICE EQUIPMENT

**102.1 General.** Buildings, structures and their building service equipment to which additions, alterations or repairs are made shall comply with all the requirements of the technical codes for new facilities, except as specifically provided in this section.

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**102.2 Additions, Alterations or Repairs.** Additions, alterations or repairs may be made to a building or its building service equipment without requiring the existing building or its building service equipment to comply with all the requirements of the technical codes, provided the addition, alteration or repair conforms to that required for a new building or building service equipment.

Additions or alterations shall not be made to an existing building or building service equipment which will cause the existing building or building service equipment to be in violation of the provisions of the technical codes nor shall such additions or alterations cause the existing building or building service equipment to become unsafe.

An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or building service equipment to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of the Building Code or will obstruct existing exits; will create a fire hazard; will reduce required fire resistance; will cause building service equipment to become overloaded or exceed their rated capacities; will create a health hazard or will otherwise create conditions dangerous to human life.

A building so altered, which involves a change in use or occupancy, shall not exceed the height, number of stories and area permitted by the Building Code for new buildings. A building plus new additions shall not exceed the height, number of stories and area specified by the Building Code for new buildings.

Additions or alterations shall not be made to an existing building or structure when the existing building or structure is not in full compliance with the provisions of the Building Code except when the addition or alteration will result in the existing building or structure being no more hazardous based on life safety, fire safety and sanitation, than before such additions or alterations are undertaken.

**EXCEPTION:** Alterations of existing structural elements, or additions of new structural elements, which are not required by Section 102.4 and which are initiated for the purpose of increasing the lateral force resisting strength or stiffness of an existing structure need not be designed for forces conforming to these regulations provided that an engineering analysis is submitted to show that:

1. The capacity of existing structural elements required to resist forces is not reduced, and
2. The lateral loading to required existing structural elements is not increased beyond their capacity, and
3. New structural elements are detailed and connected to the existing structural elements as required by these regulations, and
4. New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by these regulations, and
5. An unsafe condition as defined above is not created.

Alterations or repairs to an existing building or structure which are nonstructural and do not adversely affect a structural member or a part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed, subject to approval by the building official. Installation or replacement of glass shall be as required for new installations.

Minor additions, alterations and repairs to existing building service equipment installations may be made in accordance with the technical code in effect at the time the original installation was made, subject to approval of the building official, and provided such additions, alterations and repairs will not cause the existing building service equipment to become unsafe, insanitary or over loaded.

**102.3 Existing Installations.** Building service equipment lawfully in existence at the time of the adoption of the technical codes may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and a hazard to life, health or property has not been created by such building service equipment.

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**102.4 Existing Occupancy.** Buildings in existence at the time of the adoption of the Building Code may have their existing use or occupancy continued if the use or occupancy was legal at the time of the adoption of the Building Code, and provided continued use is not dangerous to life, health and safety. A change in the use or occupancy of any existing building or structure shall comply with the provisions of Section 309 of this Code and Section 3405 of the Building Code.

**102.5 Maintenance.** Buildings, structures and building service equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by the technical codes shall be maintained in conformance with the technical code under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and their building service equipment. To determine compliance with this section, the building official may cause a structure to be re-inspected.

**102.6 Moved Buildings.** Buildings, structures and their building service equipment moved into or within this jurisdiction shall comply with the provisions of the technical codes for new buildings or structures and their building service equipment.

**102.7 Temporary Structures.** Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the building official for a limited period of time. Buildings or structures erected under a special permit need not comply with the type of construction or fire-resistive time periods required by the Building Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

**102.8 Historic Buildings.** Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure, or its building service equipment may be made without conforming to the requirements of the technical codes when authorized by the building official, provided:

1. The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance.
2. Unsafe conditions as described in this code are corrected.
3. The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire safety and sanitation than the existing building.

#### SECTION 103 — DEFINITIONS

For the purpose of this Code, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

**ADDITION** is an extension or increase in floor area or height of a building or structure.

**ALTER or ALTERATION** is a change or modification in construction or building service equipment.

**APPROVED**, as to materials, types of construction, equipment and systems, refers to approval by the building official as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

**APPROVED AGENCY** is an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when the agency has been approved by the building official.

**BILLBOARDS.** Any sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than on the premises where such sign appears. If such business, commodity, service or entertainment is merely incidental to the use of such property where such sign appears, such sign shall be deemed a billboard.

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**BUILDING** is a structure used or intended for supporting or sheltering a use or occupancy.

**BUILDING CODE** is the International Building Code promulgated by the International Code Council, as adopted by this jurisdiction.

**BUILDING DEPARTMENT TRAINING** is defined as any training, seminars, courses, meetings, certifications, test, equipment, books, videos or memberships that are beneficial to continuing education of department personnel.

**BUILDING, EXISTING** is a building erected prior to the adoption of this Code, or one for which a legal building permit has been issued.

**BUILDING OFFICIAL** is the officer charged with the administration and enforcement of this Code. In his or her absence, these duties are conveyed and carried out by the building inspector or a regular authorized deputy.

**BUILDING SERVICE EQUIPMENT** refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire fighting and transportation facilities essential to the occupancy of the building or structure for its designated use.

**DEMOLITION** shall mean the deconstruction and removal of all man-made components of a structure or portion thereof to include foundation elements, flatwork and underground service(s) to property line.

**DOCUMENT STORAGE FEE** is defined as the amount associated with the indefinite storage of building department documents.

**ELECTRICAL CODE** is the National Electrical Code promulgated by the National Fire Protection Association, as adopted by this jurisdiction.

**ELEVATOR CODE** is the safety code for elevators, dumbwaiters, escalators and moving walks as adopted by this jurisdiction.

**FIRE MARSHAL** is the officer charged with administration and enforcement of the International Fire Code.

**GROUND SIGN.** An outdoor advertising display sign supported by uprights or braces in or upon the ground, principally used for the purpose of advertising.

**JURISDICTION**, as used in this code, is a state or political subdivision which adopts this code for administrative regulations within its area of authority.

**LISTED** and **LISTING** are terms referring to equipment and materials included in a list published by an approved testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of current productions of listed equipment or materials. The published list shall state that the material or equipment complies with approved nationally recognized codes, standards or tests and has been tested or evaluated and found suitable for use in a specified manner.

**MECHANICAL CODE** is the International Mechanical Code promulgated by International Code Council, as adopted by this jurisdiction.

**MOBILE PORTABLE SIGN.** A temporary outdoor advertising display mounted on a vehicle, trailer, or mobile stand or structure which is not permanently affixed to the ground or another structure, and is principally used for the purpose of advertising.

**MODEL CODE** is defined as International Building Code Volume 1, 2 National Electrical Code, International Mechanical Code, International Plumbing Code, International Residential Code and the International Fire Code, International Property Maintenance Code.

**OCCUPANCY** is the purpose for which a building, or part thereof, is used or intended to be used.

**OFFICE AUTOMATION/COMPUTERIZATION** is defined as a process or means that would allow interaction of persons with the permit process. Customer could inquire about permit status, types of, and completion of inspections, comments, questions and information from the Building Department via the Internet.



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**OWNER** is any person, agent, firm or corporation having a legal or equitable interest in the property.

**PERMIT** is an official document or certificate issued by the building official authorizing performance of a specified activity.

**PERSON** is a natural person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

**PLUMBING CODE** is the International Plumbing Code, promulgated by International Code Council as adopted by this jurisdiction.

**POLITICAL SIGN** An outdoor advertising display that refers to a particular issue or candidate relating to a particular election.

**PROPERTY MAINTENANCE CODE** is the International Property Maintenance Code, promulgated by International Code Council as adopted by this jurisdiction

**REPAIR** is the reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.

**SHALL** means mandatory.

**STRUCTURAL OBSERVATION** means the visual observation of the structural system, for general conformance to the approved plans and specifications, at significant construction stages and at completion of the structural system. Structural observation does not include or waive the responsibility for the inspections required by Sections 305 and 306.

**STRUCTURE** is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**TECHNICAL CODES** refer to those codes adopted by this jurisdiction containing the provisions for design, construction, alterations, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures and building service equipment as herein defined.

**ICC STANDARDS** are those standards published in the International Building Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

**VALUATION** or **VALUE**, as applied to a building and its building service equipment, shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs.

#### **SECTION 104 — CONFLICTING PROVISIONS**

When conflicting provisions or requirements occur between this code, the technical codes and other codes or laws, the most restrictive shall govern.

When conflicts occur between the technical codes, those provisions providing the greater safety to life shall govern. In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern.

Where in a specific case different sections of the technical codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

When conflicts occur between specific provisions of this Code and administrative provisions in a technical code which is then applicable within this jurisdiction, those provisions becoming the law most recently shall prevail.

#### **SECTION 105 — ALTERNATE MATERIALS, METHODS OF DESIGN AND METHODS OF CONSTRUCTION**

The provisions of the technical codes are not intended to prevent the use of any material, method of design or method of construction not specifically prescribed by the technical codes, provided an alternate has been approved and its use authorized by the building official.

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The building official may approve an alternate, provided the building official finds that the proposed design is satisfactory and complies with the provisions of the technical codes and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

The building official shall require that sufficient evidence or proof be submitted to substantiate claims that may be made regarding its use. The details of an action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.

#### **SECTION 106 — MODIFICATIONS**

Whenever there are practical difficulties involved in carrying out the provisions of the technical codes, the building official may grant modifications for individual cases. The building official shall first find that a special individual reason makes the strict letter of the technical code impractical and the modification is in conformity with the intent and purpose of the technical code, and that such modification does not lessen health, life safety and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the files of the code enforcement agency.

#### **SECTION 107 — TESTS**

Whenever there is insufficient evidence of compliance with the provisions of the technical codes or evidence that materials or construction do not conform to the requirements of the technical codes, the building official may require tests as evidence of compliance to be made at no expense to the jurisdiction.

Test methods shall be as specified by the technical codes or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall determine test procedures.

Tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

#### **SECTION 201 — AUTHORITY**

**201.1 Creation of Enforcement Agency.** There is hereby established in this jurisdiction a code enforcement agency which shall be under the administrative and operational control of the building official.

**201.1.1 Appointment of the Building Official,** building official shall be appointed by the mayor with the consent of the city council. The mayor and council shall establish his qualifications. The building official shall be an employee of the city and subject to the terms of the personnel policy of the City of Bay City, Texas, as in effect now or hereafter amended. The building official is the officer or other designated authority charged with the administration and enforcement of this Code, or a regularly authorized deputy.

**201.1.2 Appointment of the Building Inspector(s),** shall be appointed by the mayor with the consent of the city council. The mayor and council shall establish his qualifications. The building inspector shall be an employee of the city and subject to the terms of the personnel policy of the City of Bay City, Texas, as in effect now or hereafter amended. The building inspector in absent of a building official is the officer or other designated authority charged with the administration and enforcement of this Code, or a regularly authorized deputy

**201.2 General.** Whenever the term or title "administrative authority," "responsible official," "building official," "chief inspector," "code enforcement officer," or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the building official designated by the appointing authority of this jurisdiction.

#### **SECTION 202 — POWERS AND DUTIES OF BUILDING OFFICIAL**

**202.1 General.** The building official is hereby authorized and directed to enforce all the provisions of this Code and the referenced technical codes. For such purposes, the building official shall have the powers of a law enforcement officer. The building official shall have the power to render interpretations of this Code and the referenced technical codes, and to adopt and enforce rules and regulations supplemental to this code as

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may be deemed necessary to clarify the application of the provisions of this Code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this Code.

**202.2 Deputies.** In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. The building official may deputize such inspectors or employees as may be necessary to carry out the functions of the code enforcement agency.

**202.3 Right of Entry.** When necessary to make an inspection to enforce any of the provisions of this Code and the technical codes, or when the building official has reasonable cause to believe that there exists in any building or upon a premises a condition which is contrary to or in violation of this Code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Should entry be refused, the building official shall have recourse to the remedies provided by law to secure entry.

**202.4 Stop Orders.** When work is being done contrary to the provisions of this Code, the technical codes, or other pertinent laws or ordinances implemented through the enforcement of this Code, the building official may order the work stopped by notice in writing served on persons engaged in the doing or causing such work to be done, and such persons shall forthwith stop the work until authorized by the building official to proceed with the work.

**202.5 Occupancy Violations.** When a building or structure or building service equipment therein regulated by this code and the technical codes is being used contrary to the provisions of such codes, the building official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of such codes.

**202.6 Authority to Disconnect Utilities.** The building official or the building official's authorized representative shall have the authority to disconnect a utility service or energy supplied to the building, structure or building service equipment therein regulated by this code or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall whenever possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

**202.7 Authority to Condemn Building Service Equipment.** When the building official ascertains that building service equipment regulated in the technical codes has become hazardous to life, health or property, or has become insanitary, the building official shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, as appropriate.

The written notice itself shall fix a time limit for compliance with such order. Defective building service equipment shall not be maintained after receiving such notice.

When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefor shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises.

When any building service equipment is maintained in violation of the technical codes and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

**202.8 Connection after Order to Disconnect.** Persons shall not make connections from an energy, fuel or power supply nor supply energy or fuel to building service equipment which has been disconnected or

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~~ordered to be disconnected by the building official or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such equipment.~~

~~**202.9 Liability.** The building official charged with the enforcement of this Code and the technical codes, acting in good faith and without malice in the discharge of his duties, shall not thereby be rendered personally liable for damage that may accrue to persons or property as a result of an act or omission in the discharge of the assigned duties. A suit brought against the building official or employee because of such act or omission performed by the building official or employee in the enforcement of the provisions of such codes or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom, shall be assumed by this jurisdiction.~~

~~This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling a building, structure or building service equipment therein for damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming such liability by reason of the inspections authorized by this code or permits or certificates issued under this code.~~

~~**202.10 Cooperation of Other Officials and Officers.** The building Official may request, and shall receive, the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this code or other pertinent laws or ordinances.~~

#### **SECTION 203 — UNSAFE BUILDINGS, STRUCTURES OR BUILDING SERVICE EQUIPMENT**

~~Buildings or structures regulated by this code and the technical codes which are structurally inadequate or have inadequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe buildings.~~

~~Building service equipment regulated by such codes, which constitutes a fire, electrical or health hazard, or an insanitary condition, or is otherwise dangerous to human life is, for the purpose of this section, unsafe. Use of buildings, structures or building service equipment constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use.~~

~~Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the Building Code are hereby designated as unsafe building appendages.~~

~~Unsafe buildings, structures or appendages and building service equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedure as may be adopted by this jurisdiction. As an alternative, the building official or other employee or official of this jurisdiction as designated by the governing body may institute other appropriate action to prevent, restrain, correct or abate the violation.~~

~~[SECTION 204 — Variance Committee of the City of Bay City Administrative Code]~~

~~Section 204 Variance Committee of the City of Bay City Administrative Code is hereby created to read as follows:~~

~~204.1 A variance committee shall be appointed and operate in accordance with Chapter 2 Administration, Article VII Committees and Commissions.~~

#### **SECTION 205 — VIOLATIONS**

~~It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment, or cause or permit the same to be done in violation of this Code and the technical codes.~~

#### **SECTION 301 — PERMITS**

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**301.1 Permits Required.** Except as specified in Section 301.2, no building, structure or building service equipment regulated by this code and the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the building official.

**301.2 Work Exempt from Permit.** A permit shall not be required for the types of work in each of the separate classes of permit as listed below. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or ordinances of this jurisdiction.

**301.2.1 Building permits.** A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>).
2. Fences not over 6 feet (1829 mm) high.
3. Oil derricks.
4. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) high.
5. Retaining walls which 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 flammable liquids.
6. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18925 L) and the ratio of height to diameter or width does not exceed 2: 1.
7. Platforms and walks not more than 30 inches (762 mm) above grade and not over any basement or story below.
8. Painting, papering and similar finish work.
9. Temporary motion picture, television and theater stage sets and scenery.
10. Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than 54 inches (1372 mm) (1372 mm).
11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18925 L).

Unless otherwise exempted by this code, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

**301.2.2 Plumbing permits.** A plumbing permit shall not be required for the following:

1. The stopping of leaks in drains, soil, waste or vent pipe, provided, however, that should any concealed trap, drain pipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**301.2.3 Electrical permits.** An electrical permit shall not be required for the following:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the Electrical Code.
2. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.

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3. Temporary decorative lighting.
4. Repair or replacement of current-carrying parts of any switch, contactor or control device.
5. Reinstallation of attachment plug receptacles, but not the outlets therefor.
6. Repair or replacement of any overcurrent device of the required capacity in the same location.
7. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
8. Taping joints.
9. Removal of electrical wiring.
10. Temporary wiring for experimental purposes in suitable experimental laboratories.
11. The wiring for temporary theater, motion picture or television stage sets.
12. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
13. Low energy power, control and signal circuits of Class II and Class III as defined in the Electrical Code.
14. A permit shall not be required for the installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

**301.2.4 Mechanical permits.** A mechanical permit shall not be required for the following:

1. A portable heating appliance.
2. Portable ventilating equipment.
3. A portable cooling unit.
4. A portable evaporative cooler.
5. A closed system of steam, hot or chilled water piping within heating or cooling equipment regulated by the Mechanical Code.
6. Replacement of any component part of assembly of an appliance which does not alter its original approval and complies with other applicable requirements of the technical codes.
7. Refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of the technical codes.
8. A unit refrigerating system as defined in the Mechanical Code.

#### **SECTION 302 — APPLICATION FOR PERMIT**

**302.1 Application.** To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit for which 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 or occupancy for which the proposed work is intended.
4. Be accompanied by plans, diagrams, computations and specifications, and other data as required in Section 302.2.

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5. ~~State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.~~
6. ~~Be signed by the applicant, or the applicant's authorized agent.~~
7. ~~Give such other data and information as may be required by the building official.~~

**302.1.1 Contractor's registration required.** ~~It shall be the duty of every contractor or builder, who shall make contracts for the erection or construction or repair of buildings for which a permit is required, and every contractor or builder making such contracts and subletting the same, or any part thereof, to register his name in a card file provided for that purpose with the city building inspection official, giving full name, physical residence and business address, mailing address, and address for service of process, said information to be kept updated.~~

~~Building contractor's registration requirements will be waived for owners of rental property who have employees on staff 20 hours or more per week to perform carpentry maintenance on their property. A permit will be required as described in the schedule of permit fees.~~

**302.1.2 Homeowner exemption:** ~~A person who owns a single-family dwelling and has either established the same as his legal place of residence, or intends to do so subsequent to completing the work for which a permit is requested, may perform work on that dwelling and on other accessory buildings and structures on the same building site without being registered as a contractor under any of the contractor categories listed in this Article. A homeowner shall complete an affidavit of ownership and residency upon application for a homeowner permit.~~

~~A tenant, lessee, landlord, speculative builder, developer, or other nonresident owner shall not be considered a homeowner under this exemption. A person who, within any two (2) year period, applies for any permit as a homeowner for work at three different addresses shall be denied permits as a homeowner at the third and any subsequent addresses until two (2) years have elapsed between completion of work at one address and initiation of work at another for which a permit is requested.~~

**302.2 Submittal Documents.** ~~Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.~~

~~Typically, three sets of plans are required. These may either be three sets of printed plans or two printed sets with the third set in pdf format on CD, flash drive or other acceptable digital media. As built plans shall be submitted in pdf format.~~

**EXCEPTION:** ~~The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.~~

**302.3 Information on Plans and Specifications.** ~~Plans and specifications shall be drawn to scale on substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code and all relevant laws, ordinances, rules and regulations.~~

~~Plans for buildings of other than Group R, Division 3 and Group U Occupancies shall indicate how required structural and fire resistive integrity will be maintained where penetrations will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.~~

~~All other work will require a permit. Each application will require the following information on the plot plan before the application is deemed complete.~~

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1. ~~Address and legal description of the property.~~
2. ~~Owner of the property.~~
3. ~~Plot plan showing:
 
  - a. ~~Dimensions of the property and easements (if any) on the property.~~
  - b. ~~Dimensions of all existing structures and the distances of those structures from the property line(s).~~
  - c. ~~Dimensions of the proposed structure(s) or addition(s) showing the proposed location on the property and the distances to existing structures and the property lines.~~
  - d. ~~Location of the street(s) and alley(s) adjoining the property.~~~~
4. ~~Window and door sizes and locations in the proposed addition.~~
5. ~~If the addition is attached to the residence, show the floor plan of the residence and of the addition, and all windows / doors in the existing residence and addition.~~
6. ~~If the floor plan of the existing residence will be changed, show the floor plan of how it will be when it is finished.~~
7. ~~Show the location of sewer / water / gas service lines from the residence to the alley or street (indicate with dotted lines).~~

#### **302.4 Architect or Engineer of Record.**

**302.4.1 General.** When it is required that documents be prepared by an architect or engineer, the building official may require the owner to engage and designate on the building permit application an architect or engineer who shall act as the architect or engineer of record. If the circumstances require, the owner may designate a substitute architect or engineer of record who shall perform all the duties required of the original architect or engineer of record. The building official shall be notified in writing by the owner if the architect or engineer of record is changed or is unable to continue to perform the duties.

The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.

**302.4.2 Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design which are not submitted at the time of the application and which are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have prior approval of the building official. The architect or engineer of record shall list the deferred submittals on the plans and shall submit the deferred submittal documents for review by the building official.

Submittal documents for deferred submittal items shall be submitted to the architect or engineer of record who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the building official.

**302.5 Inspection and Observation Program.** When special inspection is required by Section 306, the architect or engineer of record shall prepare an inspection program which shall be submitted to the building official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work to have special inspection, the name or names of the individuals or firms who are to perform the special inspections and indicate the duties of the special inspectors.



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The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work.

When structural observation is required by Section 307, the inspection program shall name the individuals or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

The inspection program shall include samples of inspection reports and provide time limits for submission of reports.

### **SECTION 303 — PERMIT ISSUANCE**

**303.1 Issuance.** The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the building official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this Code and the technical codes and other pertinent laws and ordinances, and that the fees specified in Section 304 have been paid, the building Official shall issue a permit therefor to the applicant.

When a permit is issued when plans are required, the building official shall endorse in writing or stamp the plans and specifications APPROVED. Such approved plans and specifications shall not be changed, modified or altered without authorizations from the building official, and all work regulated by this code shall be done in accordance with the approved plans.

The building official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the technical codes. The holder of a partial permit shall proceed without assurance that the permit for the entire building, structure or building service will be granted.

**Section 303.1.1 Placement of permit.** The building permit or copy shall be kept on site until the completion of the project. Permits shall be visible from the street or road fronting the property until the completion of the project.

**Section 303.1.2 Permittee's duties.** Each permittee shall perform all the following duties while the permit is in effect and for so long thereafter as the work area is affected by construction activity:

- (1) — Pickup and properly dispose of all material scraps, trash, rubble and debris that may be present at the work site or which may have been blown or transported from the site to nearby public or private property (if access is allowed to such private property for pickup activity);
- (2) — Maintain on the work site a "dumpster" or other receptacle sufficient to contain all scraps, trash and debris generated by the construction activity;
- (3) — Stack, restack or otherwise secure all building materials, equipment and tools that may be present on or near the work site and not in actual use;
- (4) — Cover all excavations and holes, mark and barricade any hazards and secure pouring of concrete or similar activities authorized by the permit;
- (5) — Contain your work area by preventing water and any pollutants from leaving your work site by installing erosion control devices.
- (6) — Remove all mud, clay and debris that may have been deposited on any roadway or sidewalk in connection with, or as a result of, the work.

Failure of permittee to follow any of the foregoing duties shall be cause for any of the following:

- a) — Forfeiture of permit;

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- b) ~~Refusal to schedule inspection; or~~
- c) ~~Refusal to issue Certificate of Occupancy.~~

**303.2 Retention of Plans.** ~~One set of approved plans, specifications and computations shall be retained by the building official for a period of not less than 90 days from the date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.~~

**303.3 Validity of Permit.** ~~The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or the technical codes, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of these codes or of any other ordinances of this jurisdiction.~~

**303.4 Expiration.** ~~Every permit issued by the building official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.~~

~~A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.~~

**303.5 Suspension or Revocation.** ~~The building official may, in writing, suspend or revoke a permit issued under the provisions of this Code and the technical codes when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of these codes.~~

#### SECTION 304 — FEES

**304.1 General.** ~~Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by this jurisdiction.~~

**304.2 Permit Fees.** ~~The fee for each building permit shall be as set forth in Tables Nos. 3-A through 3-H of the 1997 Uniform Administrative Code as provided, however, that the fee tables set forth therein (Table 3-A to and including Table No. 3-H) shall be updated and approved by the city Council from time to time and be based upon nationally recognized construction values adjusted to the local region. Where a technical code has been adopted by the city for which no fee schedule is shown in this code, the fee required shall be in accordance with the schedule established by the city Council or a nationally recognized standard adjusted to the local region.~~

~~The determination of value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and other permanent equipment.~~

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~~**304.3 Plan Review Fees.** When submittal documents are required by Section 302.2, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee as shown in Table 3-A.~~

~~The plan review fees for electrical, mechanical and plumbing work shall be equal to 25 percent of the total permit fee as set forth in Tables 3-B, 3-C and 3-D.~~

~~The plan review fee for grading work shall be as set forth in Table 3-G.~~

~~The plan review fees specified in this section are separate fees from the permit fees specified in Section 304.2 and are in addition to the permit fees.~~

~~When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 302.4.2, an additional plan review fee shall be charged at the rate shown in Tables 3-A through 3-G.~~

~~**304.4 Expiration of Plan Review.** Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.~~

~~**304.5 Investigation Fees: Work without a Permit.**~~

~~**304.5.1 Investigation.** Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.~~

~~**304.5.2 Fee.** An investigation fee, in addition to the permit fee, may be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Tables 3-A through 3-H. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes nor from the penalty prescribed by law.~~

~~**304.6 Fee Refunds.** The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected. The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.~~

~~The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended. The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.~~

~~**SECTION 305—INSPECTIONS**~~

~~**305.1 General.** Construction or work for which a permit is required shall be subject to inspection by the building official and the construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection as specified in Section 306.~~

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Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor this jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

**305.2 Inspection Record Care.** Work requiring a permit shall not be commenced until the permit holder or the agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the building official conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

**305.3 Inspection Requests.** It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

It shall be the duty of the person requesting any inspections required either by this code or the technical codes to provide access to and means for inspection of the work.

**305.4 Approval Required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate that that portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions which do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

**305.5 Required Building Inspections.** Reinforcing steel or structural framework of a part of a building or structure shall not be covered or concealed without first obtaining the approval of the building official. Protection of joints and penetrations in fire-resistive assemblies shall not be concealed from view until inspected and approved.

The building official, upon notification, shall make the following inspections:

1. ~~Foundation inspection. To be made after excavations for footings are complete and required reinforcing steel is in place. For concrete foundations, required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except when concrete is ready-mixed in accordance with approved nationally recognized standards, the concrete need not be on the job. When the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.~~
2. ~~Concrete slab or under-floor inspection. To be made after in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.~~
3. ~~Frame inspection. To be made after the roof, framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes, and ducts are approved.~~

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4. ~~Lath and/or wallboard inspection. To be made after lathing and wallboard, interior and exterior, is in place but before plaster is applied or before wallboard joints and fasteners are taped and finished.~~

5. ~~Final inspection. To be made after finish grading and the building is completed and ready for occupancy.~~

### **305.6 Required Building Service Equipment Inspections.**

**305.6.1 General.** Building service equipment for which a permit is required by this code shall be inspected by the building official. Building service equipment intended to be concealed by a permanent portion of the building shall not be concealed until inspected and approved. When the installation of building service equipment is complete, an additional and final inspection shall be made. Building service equipment regulated by the technical codes shall not be connected to the water, fuel or power supply, or sewer system until authorized by the building official.

**305.6.2 Operation of building service equipment.** The requirements of this section shall not be considered to prohibit the operation of building service equipment installed to replace existing building service equipment serving an occupied portion of the building in the event a request for inspection of such building service equipment has been filed with the building official not more than 48 hours after the replacement work is completed, and before any portion of such building service equipment is concealed by permanent portions of the building.

**305.7 Other Inspections.** In addition to the called inspections specified above, the building official may make or require other inspections of construction work to ascertain compliance with the provisions of this Code or technical codes and other laws which are enforced by the code enforcement agency.

**305.8 Re-Inspections.** A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

To obtain a re-inspection, the applicant shall file an application therefor in writing upon a form furnished for that purpose, and pay the re-inspection fee in accordance with Tables 3-A through 3-H or as set forth in the fee schedule adopted by this jurisdiction.

In instances where re-inspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

## **SECTION 306 — SPECIAL INSPECTIONS**

**306.1 General.** In addition to the inspections required by Section 305, the owner or the engineer or architect of record acting as the owner's agent shall employ one or more special inspectors who shall provide inspections during construction on the following types of work:

**EXCEPTION:** The building official may waive the requirement for the employment of a special inspector if the construction is of a minor nature.

**306.1.1 Concrete.** During the taking of test specimens and placing of reinforced concrete. See Section 306.1.12 for shotcrete.

### **EXCEPTIONS:**

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1. Concrete for foundations conforming to the minimum requirements of Table 18-A of the Building Code or for Group R, Division 3 or Group U, Division 1 Occupancies, provided the building official finds that a special hazard does not exist.
2. For foundation concrete, other than cast-in-place drilled piles or caissons, where the structural design is based on an  $f_c$  no greater than 2,500 pounds per square inch (psi) (17.2 MPa).
3. Nonstructural slabs on grade, including pre-stressed slabs on grade when effective pre-stress in concrete is less than 14.5 psi (0.1 MPa).
4. Site-work concrete fully supported on earth and concrete where no special hazard exists.

**306.1.2 Bolts installed in concrete.** Prior to and during the placement of concrete around bolts when stress increases permitted by Footnote 5 of Table 19-D of the Building Code or Section 1924.2 of the Building Code are utilized.

**306.1.3 Special moment-resisting concrete frame.** As required by Section 1701.5, Item 3, of the Building Code.

**306.1.4 Reinforcing steel and pre-stressing tendons.**

1. During all stressing and grouting of tendons in pre-stressed concrete.
2. During placing of reinforcing steel and pre-stressing tendons for concrete required to have special inspection by Item 1.

**EXCEPTION:** The special inspector need not be present continuously during placing of reinforcing steel and pre-stressing tendons, provided inspection for conformance with the approved plans, prior to the closing of forms or the delivery of concrete to the jobsite, has been accomplished.

**306.1.5 Structural welding.**

**306.1.5.1 General.** During the welding of any member of connection which is designed to resist loads and forces required by this code.

**EXCEPTIONS:**

1. Welding done in an approved fabricator's shop in accordance with Section 306.6.
2. The special inspector need not be continuously present during welding of the following items, provided the materials, qualifications of welding procedures and welders are verified prior to the start of work; periodic inspections are made of work in progress; and a visual inspection of all welds is made prior to completion or prior to shipment of shop welding:
  - 2.1 Single-pass fillet welds not exceeding 5h6 [5/16] inch (7.9 mm) in size.
  - 2.2 Floor and roof deck welding.
  - 2.3 Welded studs when used for structural diaphragm or composite systems.
  - 2.4 Welded sheet steel for cold-formed steel framing members such as studs and joists.
  - 2.5 Welding of stairs and railing systems.

**306.1.5.2 Special moment-resisting steel frames.** During the welding of special moment-resisting steel frames. In addition to Section 306.1.5.1 requirements, nondestructive testing as required by Section 1703 of the Building Code.

**306.1.5.3 Welding of reinforcing steel.** During the welding of reinforcing steel.

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**EXCEPTION:** The special inspector need not be continuously present during the welding of ASTM A-706 reinforcing steel not larger than No. 5 bars used for embedment's, provided the materials, qualifications of welding procedures and welders are verified prior to the start of work; periodic inspections are made of work in progress; and a visual inspection of all welds is made prior to completion or prior to shipment of shop welding.

**306.1.6 High strength bolting.** As required by Section 1701.5, Item 6, of the Building Code.

**306.1.7 Structural masonry.**

1. For masonry, other than fully grouted open end hollow unit masonry, during preparation and taking of any required prisms or test specimens, placing of all masonry units, placement of reinforcement, inspection of grout space, immediately prior to closing of cleanouts, and during all grouting operations.

**EXCEPTION:** For hollow unit masonry where the  $m$  is no more than 1,500 psi (10.3 MPa) for concrete units or 2,600 psi (17.9 MPa) for clay units, special inspection may be performed as required for fully grouted open end hollow unit masonry specified in Section 306.1.7, Item 2.

2. For fully grouted open end hollow unit masonry during preparation and taking of any required prisms or test specimens, at the start of laying units, after the placement of reinforcing steel, grout space prior to each grouting operation, and during all grouting operations.

**EXCEPTION:** Special inspection as required in Section 306.1.7, Items 1 and 2, need not be provided when design stresses have been adjusted, as specified in Chapter 21 of the Building Code, to permit non-continuous inspection.

**306.1.8 Reinforced gypsum concrete.** When cast in place Class B gypsum concrete is being mixed and placed.

**306.1.9 Insulating concrete fill.** During the application of insulating concrete fill when used as part of a structural system.

**EXCEPTION:** The special inspections may be limited to an initial inspection to check the deck surface and placement of reinforcing. The special inspector shall supervise the preparation of compression test specimens during this initial inspection.

**306.1.10 Spray-applied fire resistive materials.** As required I by UBC Standard 7-6.

**306.1.11 Piling, drilled piers and caissons.** During driving and testing of piles and construction of cast in place drilled piles or caissons. See Sections 306.1.1 and 306.1.4 for concrete and reinforcing steel inspection.

**306.1.12 Shotcrete.** During the taking of test specimens and placing of all shotcrete and as required by Sections 1924.10 and 1924.11 of the Building Code.

**EXCEPTION:** Shotcrete work fully supported on earth, Minor repairs and when, in the opinion of the building official, no special hazard exists.

**306.1.13 Special grading, excavation and filling.** During earthwork excavations, grading and filling operations inspection to satisfy requirements of Chapter 33 and Appendix Chapter 33 of the Building Code.

**306.1.14 Smoke control system.**

1. During erection of ductwork and prior to concealment for the purposes of leakage testing and recording of device location.
2. Prior to occupancy and after sufficient completion for the purposes of pressure difference testing, flow measurements, and detection and control verification.

**306.1.15 Special cases.** Work which, in the opinion of the building official, involves unusual hazards or conditions.

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**306.2 Special Inspector.** The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the building official, for inspection of the particular type of construction or operation requiring special inspection.

**306.3 Duties and Responsibilities of the Special Inspector.** The special inspector shall observe the work assigned for conformance with the approved design drawings and specifications.

The special inspector shall furnish inspection reports to the building official, the engineer or architect of record, and other designated persons. Discrepancies shall be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the proper design authority and to the building official.

The special inspector shall submit a final signed report stating whether the work requiring special inspection was, to the best of the inspector's knowledge, in conformance with the approved plans and specifications and the applicable workmanship provision of these codes.

**306.4 Waiver of Special Inspection.** The building official may waive the requirement for the employment of a special inspector if the construction is of minor nature.

**306.5 Continuous and Periodic Special Inspection.**

1. Continuous special inspection. Continuous special inspection means that the special inspector is on the site at all times observing the work requiring special inspection.
2. Periodic special inspection. Some inspections may be made on a periodic basis and satisfy the requirements of continuous inspection, provided this periodic scheduled inspection is performed as outlined in the project plans and specifications and approved by the building official.

**306.6 Approved Fabricators.** Special inspections required by this section and elsewhere in this code or the technical codes shall not be required where the work is done on the premises of a fabricator registered and approved by the building official to perform such work without special inspection. The certificate of registration shall be subject to revocation by the building official if it is found that work done pursuant to the approval is in violation of the technical codes. The approved fabricator shall submit a certificate of compliance to the building official and to the engineer or architect of record stating that the work was performed in accordance with the approved plans and specifications. The approved fabricator's qualifications shall be contingent on compliance with the following:

1. The fabricator has developed and submitted a detailed fabrication procedural manual reflecting key quality control procedures which will provide a basis for inspection control of workmanship and the fabricator plant.
2. Verification of the fabricator's quality control capabilities, plant and personnel as outlined in the fabrication procedural manual shall be by an approved inspection or quality control agency.
3. Periodic plant inspections shall be conducted by an approved inspection or quality control agency to monitor the effectiveness of the quality control program.
4. It shall be the responsibility of the inspection or quality control agency to notify the approving authority in writing of any change to the procedural manual. Fabricator approval may be revoked for just cause. Re approval of the fabricator shall be contingent on compliance with quality control procedures during the past year.

**SECTION 307 — OMITTED**

**SECTION 308 — CONNECTION TO UTILITIES**

**308.1 Energy Connections.** Persons shall not make connections from a source of energy, fuel or power to building service equipment which is regulated by the technical codes and for which a permit is required by this code, until approved by the building official.

**308.1 City Utility Connections.** In order to protect the utility service supply, the city will not make any water or sewer taps until the premises involved have been inspected and approved by the plumbing inspector or



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customer service inspector. Plumbing permits will be required for new construction outside the city limits if the owner knows they will be connecting to City utilities upon completion of construction.

**308.2 Temporary Connections.** The building official may authorize the temporary connection of the building service equipment to the source of energy, fuel or power for the purpose of testing building service equipment, or for use under a temporary certificate of occupancy.

#### **SECTION 309 — CERTIFICATE OF OCCUPANCY**

**309.1 Use or Occupancy.** A building or structure or parcel of land used for commercial purposes, shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall be made, until the building inspector has issued a certificate of occupancy therefor as provided herein. Issuance of 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.

**EXCEPTION:** Group R, Division 3, and Group U Occupancies.

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 give authority to violate or cancel the provisions of this Code or of other ordinances of the jurisdiction shall not be valid.

**309.2 Change in Use.** Changes in the character or use of a building shall not be made except as specified in the Building Code.

**309.3 Certificate Issued.** After the building official inspects the building or structure and finds no violations of the provisions of this Code or other laws which are enforced by the code enforcement agency, the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and address of the owner.
4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building has been inspected for compliance with the requirements of this Code for the group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.

**309.4 Temporary Certificate.** If the building official finds that substantial hazard will not result from occupancy of a building or portion thereof before the same is completed, a temporary certificate of occupancy for the use of a portion or portions of a building or structure may be issued prior to the completion of the entire building or structure.

**309.5 Posting.** The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

**309.6 Revocation.** The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this Code when the certificate is issued in error, or on the basis of incorrect information, or when it is determined that the building or structure or portion thereof is in violation of an ordinance, regulation or the provisions of this Code.

(Ord. No. 1562, § 2, 12-17-2015)

#### **Sec. 22-21. Residential code adopted by reference.**

The International Residential Code, ~~2015 Edition~~, as adopted in Sec. 22-4, prepared by the International Code Council, a copy of which is authenticated by the signature of the mayor and city secretary and made a public

record which is on file in the city secretary's office, is hereby adopted by reference as the residential building code of the city as fully as if copied at length in this article.

( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-22. Amendments.**

The International Residential Code, adopted in section 22-424 is hereby amended in the following respects:

~~Chapter 1—Scope and Administration. Delete chapter.~~

~~Section R112 Board of Appeals. Delete Chapter.~~

~~Section 2603.56.1.~~ Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches below grade.

~~Section 312.2 is hereby added to read as follows:~~

~~312.2 Accessory Structures.~~

~~Section R105.2 (1) is deleted.~~

~~Section R105.2(2) is hereby amended to read as follows: Fences not over 6 feet high.~~

~~Section R105.2(5) is hereby amended to read as follows: Sidewalks on private property outside of public easements or rights-of-way.~~

**Secs. 22-23—Accessory Structures.**

- (1) Accessory structures of any size are required to obtain a building permit.
- (2) Accessory structures exceeding 250 square feet must demonstrate windstorm compliance.
- (3) Accessory structures shall not be placed in easements or rights-of-way and must meet setback requirements established in section 98-100.
- (4) Accessory structures must be located at least ten (10) feet from any other building or structure on the property.
- (5) Accessory structures shall not be located closer to the front property line than the primary dwelling.
- (6) Conex containers and other non-traditional structures are not permitted in residential areas unless the exterior design is compatible with the primary residence and has complementary wall materials, window types, door & window trims, roofing material and roof pitch. Conex containers and other structures that do not follow conventional construction methods as illustrated by the IBC will need to have a permanent foundation or a ground anchoring system designed by a professional engineer, regardless of the size of the structure.

**Secs. 22-24—Accessory Dwelling Units.**

- (1) Definitions.
  - a. Accessory Dwelling Unit (ADU) is defined as a separate additional living unit, providing separate complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, attached or detached from a primary residential unit, on a legally platted single-family lot.

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b. Owner Occupancy means a property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means.

(2) Design and Development Standards

- a. Only one ADU shall be allowed per single-family residential lot.
- b. A detached single-family dwelling must exist on the lot or will be constructed in conjunction with the ADU. Accessory dwelling units are not permitted with any other type of housing units.
- c. The minimum lot size is 7,500 square feet.
- d. The maximum floor area of the ADU shall not exceed 800 square feet. The floor area calculation of the primary unit excludes garages. Existing structures that are adapted or renovated are exempt from the unit size requirements.
- e. The maximum height of an ADU shall not exceed the height of the primary dwelling unit.
- f. Detached accessory dwelling units shall have a minimum rear yard setback of 10 feet; side yard setback of 5 feet; and front yard setback the same as the primary unit. A detached accessory dwelling unit must have at least a 10-foot separation from the primary dwelling. Existing structures that are adapted or renovated are exempt from the setback requirements.
- g. Attached accessory dwelling units shall meet the same minimum setbacks established in section 98-100.
- h. The property owner must occupy either the primary dwelling unit or the ADU.
- i. Off-street parking shall be provided at a minimum of one space in addition to the spaces required for the primary dwelling unit.
- j. Exterior design of accessory dwelling units shall be compatible with the primary residence and have complementary wall materials, window types, door & window trims, roofing material and roof pitch.
- k. An ADU must be connected to the water and wastewater services of the primary dwelling unit and may not have separate services. Separate metering of other utilities is allowed.

- ~~(a) Accessory structures of any size are required to obtain a placement and/or building permit.~~
- ~~(b) Conex containers and other non-traditional structures are not permitted in primarily residential areas unless they can be made to look like a "usual" accessory building that is commonly appurtenant to a single family dwelling.~~
- ~~(b) Conex containers and other structures that do not follow conventional construction methods as illustrated by the IBC will need to have a foundation and/or a ground anchoring system designed by a professional engineer, regardless of the size of the structure.~~

**Secs. 22-25—Prefabricated living units.**

Prefabricated living units (PLU) are defined as any residential structure up to 500 square feet built off site and transported to site for installation and not regulated by the State of Texas installed on a permanent foundation.

Permanent foundation is a foundation system with the following characteristics: it has reinforced concrete components piers/slab/beam; the structure is attached to the foundation with the chassis; no ground anchors are used in the install.

The owner of any PLU proposed to be installed within the city limits shall:

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- (1) Submit plans and specifications of the PLU and proposed improvements signed and sealed by a Texas licensed engineer showing the following prior to applying for a building permit:
- a. Design and materials comply with the most current applicable building codes as adopted in Sec. 22-4 and meet wind code requirements.
  - b. PLU is installed on a permanent foundation.
  - c. Building service equipment complies with the requirements of this Code.
  - d. Submit photographs of all four sides of exterior and interior, demonstrating the PLU is in good condition with minimal improvements required.
- (2) The owner of the PLU shall make all necessary improvements to comply with this Code within 90 days from the date of placement. Extensions of such time, as deemed reasonable may be granted by the building official upon a showing of delay caused by matters beyond control of the owner or house mover.

( Ord. No. 1562, § 2, 12-17-2015 )

**Secs. 22-23—22-47. Reserved.**

### **ARTICLE III. BUILDING CODE**

**Sec. 22-48. Adopted by reference.**

- (a) The International Building Code, ~~2015 Edition~~ adopted in section 22-4, prepared by the International Code Council, a copy of which, authenticated by the signature of the mayor and the city secretary and made a public record by this section, is on file in the city secretary's office, is hereby adopted by reference as the building code of the city as fully as if copied at length in this article.
- (b) The International Existing Building Code, ~~2015 Edition~~ adopted in section 22-4, prepared by the International Code Council, including appendix B, a copy of which, authenticated by the signature of the mayor and the city secretary and made a public record by this section, is on file in the city secretary's office, is hereby adopted by reference as the building code of the city as fully as if copied at length in this article.

( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-49. Reserved.**

**Sec. 22-50. Amendments.**

The International Building Code, adopted in section 22-~~4~~48, is hereby amended and changed in the following respects:

[International Building Code, Appendix B Board of Appeals. Delete Chapter.](#)

[International Existing Building Code, Section 112 Mean of Appeals. Delete Chapter](#)

~~[Chapter 1 — Scope and Administration. Delete chapter.](#)~~

~~[Section 103.4 is hereby added to read as follows:](#)~~

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*103.4. Addresses.* The owner of each commercial building in the city shall conform to the street address numbering system as developed and assigned by the building department. Such number shall be at least six inches in the vertical direction of a contrasting color to the background and installed so that the address number is plainly visible from the street or roadway.

Section 105.8 is hereby created and shall read as follows:

*105.8. Contractor's registration required.* It shall be the duty of every contractor or builder, who shall make contracts for the erection or construction or repair of buildings for which a permit is required, and every contractor or builder making such contracts and subletting the same, or any part thereof, to register his name in a card file provided for that purpose with the city building inspection official, giving full name, physical residence and business address, mailing address, and address for service of process, said information to be kept updated.

Building contractor's registration requirements will be waived for owners of rental property who have employees on staff 20 hours or more per week to perform carpentry maintenance on their property. A permit will be required as described in the schedule of permit fees.

Section 109.7 is hereby created and shall read as follows:

**FEE GENERAL NOTES**

**Building Plan Review Fees**

Plan review fees pay for the evaluation of plans to determine compliance with adopted codes and ordinances. These fees are based on a percentage of the calculated building permit fee with a minimum charge for each application. Payment of the plan review fee is in addition to the building permit fee and is non-refundable after plans are accepted and the review is started.

**Building Permit Fees**

Building inspections are financed by building permit fees. Permit fees for new buildings, additions, and pools are based on the valuation (total construction costs) of the buildings or structure. The determination of the value or valuation will be made on the basis of the Building Valuation Data published in the International Code Council building Safety Journal and by other valuation criteria approved by the Building Official. Other types of permits have fees based on the amount of time estimated to inspect the project until completion.

**Miscellaneous Fees**

Miscellaneous fees are those that do not fall under the plan review or inspection areas. These fees are generally based on hourly rate but may be set on standard administrative costs for providing services.

**Plan Review Fees:**

Plan review fees are due when the permit application is submitted. For Building, Combination, Electrical, Mechanical, and Plumbing all other review fees will be collected at the time of permitting.

Building Plan Review	65% of the building permit fee (min. \$116.51)
Electrical Plan Review	65% of the building permit fee (min. \$116.51)
Plumbing Plan Review	65% of the building permit fee (min. \$116.51)
Mechanical Plan Review	65% of the building permit fee (min. \$116.51)

**Site Plan Review — for previously approved**

Standard carports, retaining walls, and bus shelters	\$54.05 per permit
Third and Subsequent Review of Plans	\$116.51 per hr.
Revisions — Plan review of changes made to approved before and after permit issued	\$116.51 per hr.

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Truss Calculation Review — When truss package is Submitted separate from building permit plans or revisions to truss package are required after permit is issued	\$116.51 per hr./2 hr. min.
Plan Review Services No Otherwise Listed — Plan Review of changes made to approved plans before or after permit issued; any revisions made that expand the scope of the permit may require permit and fees	\$116.51 per hr.

**Building Permit Fees**

Permit fees are based on the valuation of the project, or portion of the project represented by each separate permit. Valuation of the work shall be the estimated cost as determined by the Building Official based on nationally recognized standards and shall include the value of materials, labor, overhead, and profit. Plan review fees shall be collected prior to commencing with the review; all other Fees will be collected at the time of permit issuance.

**BUILDING PERMIT FEES TABLE**

Total Valuation	Fees
\$500.00 or less	\$28.24
\$501.00 — \$2,000.00	\$28.24 for the first \$500.00, plus \$3.65 for each additional \$100.00 or fraction thereof
\$2,001.00 — \$25,000.00	\$82.99 for the first \$2,000.00, plus \$16.82 for each additional \$1,000.00 or fraction thereof
\$25,001.00 — \$50,000.00	\$469.85 for the first \$25,000.00 plus \$12.12 for each additional \$1,000.00 or fraction thereof
\$50,001.00 — \$100,000.00	\$772.85 for the first \$50,000.00 plus \$8.40 for each additional \$1,000.00 or fraction thereof
\$100,001.00 — \$500,000.00	\$1,192.85 for the first \$100,000.00 plus \$6.71 for each additional \$1,000.00 or fraction thereof
\$500,001.00 to \$1,000,000.00	\$3,876.85 for the first \$500,000.00 plus \$5.70 for each additional \$1,000 or fraction thereof
\$1,000,001.00 and more	\$6,726 for the first \$1,000,000.00 plus \$4.38 for each additional \$1,000.00 or fraction thereof

Minimum Commercial Building Permit Fee	\$108.42
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**Swimming Pools and Spa Permits:**

Site Plan Review	\$54.04
Secondary Barrier	\$54.04
Plan Review	\$65% of total permit

**Construction Permits (plumbing and electrical separate):**

In-Ground	See Table above
Above-Ground	See Table above
Spas/Hot Tubs	See Table above

**Sign Permits:**

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Sign Plan Review	65% of Building Permit Fee (min. \$58.25)
Building Permit	See Table Above
Subdivision Advertising/Directional Sign	\$72.09 per sign
Construction/Development Sign	\$72.09 per sign
Promo, Pennants, Balloons, Banners, Displays	\$30.03 per occasion (10 day)

**Permanent Commercial Sign:**

Face Change Only	\$30.03
No Electrical	\$72.09
With Electrical	\$108.42

**Demolition**

All subcontractors shall be specified on the permit for demolition of a building or structure and approved by the building inspector prior to demolition of the building or structure. Only the City may disconnect water and sewer lines when a building or structure is demolished.

-Demolition Permit	\$50.00
Utility Termination Permit	\$125.00

**Re-inspection Fee:**

In all cases where an inspection is performed upon request, and the construction does not meet code requirements, a re-inspection shall be required.

-Re-inspection Fee	\$78.92
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**After-hours Inspection Fee:**

In case of a request by the owner, contractor, or installer for an inspection at times other than 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays, an additional fee shall be charged.

-After-hours Inspection Fee	\$108.42
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**Flood Zone Confirmation Fee:**

In all cases of construction within the boundaries of the flood zone or special hazard area, as designated by the Federal Emergency Management Agency, the first floor elevation shall be confirmed by a building inspector prior to the setting in place of the foundation forms. The owner must provide a certificate of elevation certified by a professional land surveyor licensed in the State of Texas.

-Flood Zone Elevation Confirmation Fee	\$25.00
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**Expired Permits:**

Permits expire by limitations and become null and void if the work authorized by the permit has not commenced within 180 days from the date of the permit. In addition, all permit shall expire 180 days after the last approved inspection.

-Renewals prior to expiration	50% of original permit fee
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Renewals after expiration	100% of new permit fee
Work prior to issuance of permit	200% of new permit fee

**Certificate of Occupancy:**

Certificate of Occupancy	Included in Original Permit Fee
Certificate of Occupancy/Change in Ownership	\$72.63
Certificate of Occupancy/Change in Name	\$72.63
Temporary Certificate of Occupancy (TCO)	\$503.67 for 180 days
Copy of Certificate of Occupancy	\$72.63 per copy
Certificate of Occupancy/Tenant Space (no work)	\$108.42

Chapter 16 is amended to read as follows:

*1609.3. Basic wind speed.* ~~The basic wind speed, in mph, for the determination of wind loads in building design shall be 110 mph (3 second gust) minimum.~~ The basic wind speed, in mph, for the determination of wind loads in building design shall be such wind speed as required by the Texas Windstorm Insurance Association, the Texas Department of Insurance or any of their successor agencies to comply with insurance requirements for windstorm insurance.

*1609.4.3. Exposure categories.* Exposure factor C shall be used in the calculation of all wind loads.

Section 1609.10 is hereby created to read as follows:

A contractor or property owner who constructs any structure within the city limits shall provide the following documentation, materials, and methods of construction for windstorm and hurricane protection:

*1609.10.1. Permit requirements.* The building inspector shall be provided design documentation from a state licensed engineer registered with the Texas Department of Insurance to perform windstorm inspections, for construction, renovation, or modifications of all structures over 250 square feet, prior to release of permit. The person, firm, or corporation responsible for permitting shall provide prior to final inspection approval a copy of a Texas Department of Insurance (TDI) report certifying compliance with the current building specifications of the Texas Windstorm Insurance Association (TWIA) Plan of Operation.

*1609.10.2. Masonry wall ties.* Masonry wall tie devices will be of galvanized or electroplated materials and installed on 16-inch centers, vertically and horizontally.

*1609.10.3. Asphalt shingles.* All asphalt shingles used in the city shall comply with ASTM D 3161 Class F, or ASTM D 6381/UL 2390 Class G or H, or ASTM D 7158 Class G or H. Conformance with more than one standard is not required.

*1609.10.4. Securing outdoor mechanical equipment.* All outdoor mechanical equipment and building components shall be anchored against overturning, uplift, and sliding in a design wind event.

*1609.10.5. Signs.* All signs of any type exceeding 32 square feet in surface area.

*Section 1612.3.* To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled, "The Flood Insurance Study for Bay City," dated January 1, 1997, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

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Section 105.9.1 is hereby created and shall read as follows:

- (a) All new construction and additions shall meet the setback requirements of section 98-100 of the City of Bay City Code of Ordinances.
- (b) No new construction or addition shall be located closer than 5 feet from the rear property line of any lot.

Section 1 H101.1.1 is added and shall read as follows:

~~H101.1.1. Sign permit procedures.~~

- (a) ~~Application. All applications for erection permits shall be accompanied by a plan or plans drawn to scale which shall include the following:
 
  - (1) ~~The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached.~~
  - (2) ~~The dimensions of the sign's supporting members.~~
  - (3) ~~The maximum and minimum height of the sign.~~
  - (4) ~~The proposed location of the sign in relation to the face of the building in front of which or above which it is to be erected.~~
  - (5) ~~The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated.~~
  - (6) ~~The location of all electrical transmission lines within 30 feet of any part of such proposed sign structure.~~~~
- (b) ~~Issuance. Upon the filing of an application for an erection permit, the plans, specifications, and other data shall be examined by the building inspector. If it appears that such proposed sign is in compliance with the requirements of this section and section 66-1 and other laws of the city, the building inspector shall issue the applicant an erection permit.~~
- (c) ~~Sign use permits.
 
  - (1) ~~Application. At the time an application is made for an erection permit, an application shall also be made for a sign use permit.~~
  - (2) ~~Issuance. Upon completion of the construction of the sign, the building inspector shall inspect the sign to determine if it is in conformity with the specifications approved at the time the erection permit was granted. If such sign was constructed in conformity with the specifications approved at the time the erection permit was granted, then the building inspector shall issue a sign use permit.~~
  - (3) ~~Stop orders. The issuance of an erection permit or a sign use permit shall not constitute a waiver of the ordinance from which this requirement derived or other ordinances of the city. The building inspector is authorized to issue stop orders for any sign which is being constructed or used in violation of the ordinance from which this requirement derived or any other ordinance of the city.~~~~

Section H101.2 is hereby amended and shall read as follows:

~~H101.2. Partially exempted signs. The following signs are exempted from permit procedures and may be installed and maintained in compliance with all other city ordinances and within the limitations set forth below:~~

- (a) ~~Public signs. Noncommercial signs erected by or at the direction of a public officer in furtherance of the public interest or in the performance of his duty.~~

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- ~~(b) *Real estate sign.* Nonilluminated sign, not exceeding six square feet in area per face, pertaining to the sale or lease of a premise.~~
- ~~(c) *Contractor's sign.* Nonilluminated, advertising the development or improvement of a property by a builder, contractor, or other person furnishing service, material, or labor to said premises during the period of construction, providing the size of such sign is not in excess of 32 square feet and eight feet in height. Such signs may only remain in place during construction and thereafter for 30 days following cessation of construction.~~
- ~~(d) *Temporary signs.* Temporary signs announcing any public, charitable, educational, or religious event or function may be installed for a period of not more than 21 days prior to the event and not more than seven days after the event, with a total sign area of not more than 32 square feet to all sign faces.~~
- ~~(e) *Integral signs.* Names of buildings, dates of erection, monumental citations and commemorative tablets that are carved into stone, concrete, or similar permanent materials and constructed as an integral part of the structure.~~
- ~~(f) *Name plates.* One nonilluminated sign per entrance per business attached to the building and not exceeding two square feet of area per face with the wording limited to name and occupation.~~
- ~~(g) *Private signs.* Signs not visible beyond the boundaries of the lot or series of contiguous lots under the same ownership on which they are located and which are not visible from any public right-of-way.~~
- ~~(h) *Traffic signs.* Traffic and other official signs and devices installed by governmental agency.~~
- ~~(i) *On site traffic zones.* On site traffic directional signs that do not carry any commercial message or identification.~~
- ~~(j) *Garage sales signs.* One garage sale sign not exceeding six square feet of sign area for all sign faces which is installed on a lot or a series of contiguous lots under the same ownership on which the garage sale is located, which is installed not more than seven days prior to the garage sale and which is removed not more than two days after the garage sale.~~
- ~~(k) *Flag emblems.* An insignia of any governmental body, charitable organization, and/or decorative display for holidays or public demonstrations that do not contain advertising and are not used as such, including non-commercial flags and banners. This provision shall not authorize the hanging of any banner on or across any public street or city-owned property without the consent of the mayor or the mayor's designee. Any applicant who is denied a permit may appeal to city council.~~
- ~~(l) *Political signs.* Signs that would refer to a particular issue or candidate relating to a particular public election. Such signs may be erected for not more than 90 days, and must be removed by the property owner, political candidate, or sponsoring political action committee not more than ten days after the election for which they relate. If such signs are not removed within the above time period, then the owner of the property upon which the signs are located, the person erecting or placing the sign, and the candidate sponsored shall be jointly and severally liable and responsible under the penalty provisions of the ordinance from which this requirement derived.~~
- ~~(m) *Menu boards.* Eating establishments with drive-through services are permitted one menu board sign per lot limited to 36 square feet in area and six feet in height which sign or board shall be permanently attached to the property.~~
- ~~(n) *Gasoline price signs.* Gasoline pricing signs are exempt provided the total area of all signs does not exceed 12 square feet in area for each service island.~~
- ~~(o) *Shingle sign.* A shingle sign over a show window or door of a store or business establishment announcing without display or elaboration only the name of the proprietor and nature of the business.~~

Portable signs shall be permitted for one 60-day period with one 60-day extension.

Section H114.5 is hereby added and shall read as follows:

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~~H114.5. Prohibited signs. The following signs are hereby prohibited:~~

- ~~(a) Signs containing statements, words, or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency.~~
- ~~(b) Signs that imitate an official sign or signal or that contain the words "stop," "go slow," "caution," "danger," "warning," or similar words.~~
- ~~(c) Signs that are of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic control device, or would hide from view any traffic street signs or signal or that obstruct the view in any direction of a person attempting to use a public street, road, or public right-of-way or attempting to use a street or road intersection.~~
- ~~(d) Signs which are placed upon a tree, rock or other natural feature.~~
- ~~(e) Signs which extend in a predominately residential area beyond the established building setback line of the city. If no setback has been established for the residential area, then the sign shall be at least 20 feet from any public roadway.~~
- ~~(f) Billboards.~~
- ~~(g) Snipe signs or signs which are placed upon a tree, rock, or other natural features as well as utility poles, fire escapes, stand pipes and the like.~~
- ~~(h) Signs attached to or located upon exposed amenities such as benches, trash containers, or fences; however, this provision shall not prevent a trash or garbage company from displaying its logo or name on its own trash containers.~~
- ~~(i) Permanent signs placed on the side or rear of any building or property when such sign faces upon a contiguous residential area.~~
- ~~(j) Signs erected or maintained on any public property, including but not limited to public buildings, streets, bridges, sidewalks, easements, or rights of way within the city; provided, however, that this section shall not apply to a public employee in the regular course and scope of his employment and to school or athletic facilities.~~

~~Section H114.6 is hereby added and shall read as follows:~~

~~H114.6. Sign maintenance. All signs, including those painted on the walls of buildings, shall be permanently maintained in a safe, presentable condition. All signs shall be kept in good repair and, unless of galvanized or noncorroding metal or plastic, or treated with appropriate wood preservative, shall be thoroughly painted as often as is necessary consistent with good maintenance. All braces, bolts, clips, supporting frames, and fastenings shall be free from deterioration, termite infestation, rot or loosening. Additionally all property surrounding the sign shall be kept in a neat and orderly condition, including any grasses or plants which may be growing within ten feet of said sign.~~

~~Section H114.7 is hereby added and shall read as follows:~~

~~H114.7. Abandoned signs:~~

- ~~(a) An abandoned sign depicts or refers to a product, business, service, activity, condition or person that has changed in such a fashion that the sign no longer correctly identifies or describes him or it, that no longer exists at the location referred to in the sign, or that no longer exists in any way or at any place.~~
- ~~(b) Abandoned building signs shall be removed or painted out within 90 days of the cessation of such business or sale of such product by the owner, agent or person having the beneficial interest in the building or premises on which such sign is located.~~
- ~~(c) Abandoned freestanding signs shall be removed in accordance with the following provisions:
 
  - ~~(i) Signs faces shall be removed within 90 days of abandonment. The building inspector may grant one extension of up to 90 days upon a showing of good cause.~~~~

- (ii) ~~Sign supports shall be removed within 180 days of the abandonment. The building inspector may grant one extension of up to 90 days upon showing of a good cause.~~

~~Section H114.8 is hereby added and shall read as follows:~~

~~H114.8. Nonconforming signs.~~

- (a) ~~Signs which do not conform to this article, but which lawfully existed and were maintained on the effective date of December 31, 2011, shall, within three years after the effective date be removed or made to conform; provided however, mobile portable signs and any other temporary signs shall be removed or made to conform within 180 days after the effective date of December 31, 2011.~~
- (b) ~~During the interim period, such nonconforming signs shall be kept in good repair and visual appearance and no structural alterations shall be made thereto. In the event that more than 50 percent of a nonconforming sign is damaged, the sign shall be replaced with a conforming sign rather than repairing the damage.~~
- (c) ~~Nonconforming signs advertising a business which has been vacated 60 days shall be removed or made to conform.~~
- (d) ~~Variances. A relaxation of the terms of the ordinance from which this requirement derived may be permitted where such variance will not be contrary to the public interest, health and welfare, and where, because of conditions peculiar to the property and as the result of the actions of the applicant, a literal enforcement of the ordinance from which this requirement derived would result in unnecessary and undue hardship. A variance is authorized under this section only for height, sign area, and length of time allowed to remove or conform a nonconforming sign. Request for variance shall be pursuant to the procedures outlined in section 2-267.~~
- (e) ~~Required conformity to existing ordinances. Nothing contained herein grants or allows an existing sign presently in violation of the City of Bay City Code of Ordinances or the standard building code, a nonconforming use status. Any existing violation must be remedied without regard to the nonconforming time exemption contained herein.~~
- (f) ~~Nothing contained herein shall prevent the building inspector from ordering the removal of any sign which is deemed to be dangerous to the sign owner, or the public, or which places the public's health, safety or welfare at risk.~~

~~Section H114.9 is hereby added and shall read as follows:~~

~~H114.9. Violations.~~

- (a) ~~Any person convicted of a violation of any provision of this chapter shall be fined in an amount as established in section 1-16 of this Code. Each day of violation under this chapter shall be a separate violation.~~
- (b) ~~Additionally, the building inspector or designated representative shall have the authority, and the duty, to immediately seize, remove or cause to be removed and impounded any sign, poster, handbill, banner, streamer or other outdoor advertising sign erected, placed, altered, maintained or neglected in violation of this chapter, if the same is located on, in or above any public street or sidewalk area, or other public property.~~
- (c) ~~The cost of any such removal or impoundment shall be chargeable to the persons, jointly and severally, who were responsible for or who caused the erection or placement of the offending sign or advertising, and their sureties, if any, unless the offense was one of neglect of maintenance, in which case such cost shall be chargeable to the owner of the sign or the owner of the property upon which the sign is located.~~
- (d) ~~Any item impounded by authority of this section shall be held for a period of 30 days and then disposed of in any manner designated by the building inspector or designee. During the 30 days, the owner of the item upon proof of same may reclaim such item at the place of storage by paying to the~~

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~~city the actual cost of removal and impounding. This charge shall in any event be not less than \$25.00 per sign.~~

~~Section H114.10 is created to read as follows:~~

~~H114.10. Design stress diagram. Before a permit shall be granted the erector of every outdoor advertising sign, with the exception of those signs identified in H101.2 — Partially Exempted Signs shall submit to the building inspector a design and stress diagram or plan, containing the necessary information to enable the building inspector to determine that such sign complies with all regulations of this Code.~~

( Ord. No. 1562, § 2, 12-17-2015 )

**Secs. 22-51—22-73. Reserved.**

## **ARTICLE IV. ELECTRICAL CODE**

### **DIVISION 1. GENERALLY**

#### **Sec. 22-74. Definitions.**

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

*Apprentice electrician* means any person who is licensed by the state as an apprentice electrician and is engaged in the practical installation, alteration, or changing of electric wiring and apparatus under the direct, constant, personal supervision and control of either a master electrician or a journeyman electrician.

*Electric wiring and apparatus* means all materials, devices, machinery, appliances, appurtenances or conductors used in connection with the production of electric lights, heat or power or the transmission of electrical signals.

*Journeyman electrician* means any person licensed by the state as a journeyman electrician.

*Maintenance electrician* means any person licensed by the state as a maintenance electrician.

*Master electrician* means any person licensed by the state as a master electrician.

( Ord. No. 1562, § 2, 12-17-2015 )

#### **Sec. 22-75. Compliance.**

All electrical construction, all material and apparatus used in connection with electrical work, and the operation of all electrical apparatus shall be done in conformity with the provisions of this article and the National Electrical Code.

( Ord. No. 1562, § 2, 12-17-2015 )

#### **Sec. 22-76. Civil liability.**

This article shall not be construed to relieve from or lessen the responsibility of any party owning, operating or controlling any electric wiring, apparatus, devices, appliances, fixtures or equipment for damages to persons or property used by any defect therein, nor shall the city be held as assuming any such liability by reason of the inspection authorized herein or the certificates or approval issued as herein provided, or otherwise.

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( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-77. Existing contracts.**

The terms of this article shall not be construed to operate against or upon any contract or contracts for the installation, alteration or changes in electrical wiring or apparatus which may have been entered into under existing ordinances, if the performance of the work under such contract or contracts has been undertaken and is unfinished at the time of the taking effect of this article.

( Ord. No. 1562, § 2, 12-17-2015 )

**Secs. 22-78—22-105. Reserved.**

*DIVISION 2. ELECTRICAL INSPECTORS*

**Secs. 22-106, 22-107. Reserved.**

**Sec. 22-108. Electrical inspector restriction.**

No electrical inspector shall be engaged in electrical contracting or repair work within the city, except as allowed in section 22-134.

( Ord. No. 1562, § 2, 12-17-2015 )

**Secs. 22-109—22-133. Reserved.**

*DIVISION 3. LICENSING AND REGULATION OF ELECTRICIANS*

**Sec. 22-134. Homeowner's exemption.**

Nothing in this article shall be construed so as to prevent a property owner from doing electrical work in a building owned by him, to be occupied by him as a dwelling or home, of a two-family dwelling or single-family dwelling type: provided that the property owner must actually perform the work and that no person other than the property owner shall do any part of the work unless the other person is licensed in full compliance with all provisions of this article; and further provided, that all work performed and material used shall meet the requirements of this article and has the [building official's](#) ~~city inspector's~~ approval.

( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-135. Licensing of master and journeyman electricians.**

- (a) No person shall cause or allow any electric wiring or apparatus to be installed, altered or changed in any building within the city unless the person doing all such work is licensed under the provisions of this article to do that particular electric wiring and apparatus work.
- (b) Other than as provided in section 22-134, no person shall engage in the business of installing, altering or changing of any electric wiring and apparatus within any building in the city, who does not hold a valid and unexpired master electrician's license from the city or state, or a valid and unexpired journeyman electrician's license from the city.

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( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-136. Regulation of maintenance electricians.**

A maintenance electrician shall not install any extension to an existing electrical system.

( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-137. Regulation of journeyman electricians.**

No person shall work as a journeyman electrician in the city unless he is employed by and actually working under the supervision and control of a person holding a valid and unexpired master electrician's license issued by the state.

( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-138. Regulation of apprentice electricians.**

An apprentice electrician shall only engage in electrical work in the city when employed by and working under the supervision and control of one holding a valid and unexpired master electrician's license from the city and when under the direct, constant, personal supervision and control of one holding a valid and unexpired master electrician's license or journeyman electrician's license from the city. There shall not be more than two apprentice electricians for each master electrician or journeyman electrician on a job at any one time.

( Ord. No. 1562, § 2, 12-17-2015 )

**Secs. 22-139—22-159. Reserved.**

*DIVISION 4. PERMITS AND INSPECTIONS*

**Sec. 22-160. Requirements; application; permit nontransferable.**

- (a) No alteration or change shall be made in the electric wiring or apparatus located within a building nor shall any such electric wiring or apparatus be installed in any building without first securing from the permit clerk a permit therefor, nor shall any change be made in any wiring or apparatus after inspection without notifying ~~an electrical inspector~~ the building official and securing a new permit therefor.
- (b) Before issuing a permit for the installation of any electric wiring or apparatus, or for the alteration of or change in any electric wiring or apparatus, as provided in subsection (a), an application shall be filed with the ~~chief electrical inspector~~ building official, describing such installation, alteration or change to be made, including the apparatus and material to be used. No permit shall be issued until such application shall have been approved by an electrical inspector and the permit and inspection fees, provided for herein, shall have been paid to the permit clerk. Permits shall be issued only when the application bears the true signature of the master electrician or his authorized agent.
- (c) No permit shall be required for the installation, maintenance or alteration of wiring, apparatus, devices, appliances or equipment for telegraph, telephone, signal service or central station protective service used in conveying signals or intelligence; provided, however, that a permit shall be required where electrical work is done on the primary side of the source of power which has voltage over 50 volts and a wattage of more than 500 watts.

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(d) No person shall transfer any electrical permit issued pursuant to the provisions of this ~~division, or~~ [division or](#) do any electrical work which is subject to the provisions of this article under any transferred electrical permit. Any transfer of such a permit shall be void, and if any person allows the transfer of any such permit or allows any electrical work which is subject to the provisions of this article to be done by any person other than by the person to whom such permit is issued, such action shall be cause for revocation of their own permits or licenses.

( Ord. No. 1562, § 2, 12-17-2015 )

**Secs. 22-161, 22-162. Reserved.**

**Sec. 22-163. Fees.**

~~(a)~~ —The holder of the master electrician's license, making or supervising any installation, alteration or change of the electrical wiring and apparatus with a building in the city, shall pay the ~~city the amounts hereafter specified in this section for each of the following items disclosed by the application for such permit~~ [fees for permits and plan review, if applicable, in accordance with Appendix B – Fee Schedule.](#)

~~(b)~~ —~~Inspection fees for the following newly constructed residential dwellings shall be as follows:~~

~~Electrical permit fees for newly constructed residential dwellings shall be based on the valuation of the electrical work and calculated in accordance with the building permit fees table in section 22-50.~~

~~See appendix B, fee schedule, for other electrical permit fees.~~

( Ord. No. 1562, § 2, 12-17-2015 ; Ord. No. 1625, 9-27-2018 )

**Secs. 22-164—22-194. Reserved.**

*DIVISION 5. TECHNICAL STANDARDS*

**Sec. 22-195. Compliance.**

No electrical materials, apparatus, devices, appliances, fixtures or equipment shall be installed in the city unless they are in conformity with the provisions of this article, the statutes of the state and the rules and regulations issued by the state under the authority of law.

( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-196. Standards adopted by reference.**

The ~~2014 Edition of the~~ National Electrical Code [as adopted in Sec. 22-4, and](#) as recommended by the National Fire Protection Association is hereby adopted by reference as if set out at length in this article and the same shall be complied with in all electrical wiring, and in the construction, installation, repair, alteration, operation and maintenance of electrical wiring, apparatus or fixtures, except insofar as they may conflict with the provision of this article.

( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-197. Reserved.**

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**Sec. 22-198. Wiring generally.**

No wire smaller than number 12 shall be used, other than motor control wiring. All metal and non-metallic conduit shall have a ground wire.

( Ord. No. 1620, § 1, 5-14-2018 )

**Sec. 22-199. Meter loop and interior feeder installations.**

Meter loops and interior feeders shall be installed in rigid metal conduit, electrical metallic tubing or rigid nonmetallic (PVC) conduit. Cable assemblies are not approved for meter loop or interior feeders.

Occupancies outlined in chapter 5 of the adopted National Electrical Code as being hazardous locations shall comply with the requirements of chapter 5.

( Ord. No. 1620, § 1, 5-14-2018 )

**Sec. 22-200. Conductors.**

All conductors on the load side of the power company service drop shall be copper material. No aluminum conductors shall be permitted, with the exception of aerial.

( Ord. No. 1620, § 1, 5-14-2018 )

**Sec. 22-201. Normal placement of meter cabinets and metering equipment.**

The meter cabinets and electrical metering equipment through which service is rendered by the electric public service company to domestic establishments and buildings combining domestic establishments with commercial or industrial usage shall be installed where readily accessible on the exterior of the building; fireproof meter cabinets or meter sockets shall be supplied by the electric public service company and installed by the electrician performing the work; said meter cabinets are to be located so the center of the opening for the meter dial shall be five feet, nine inches above mean ground level, and shall be readily accessible to the electric public service company service. On apartment buildings, where space limitations will not permit placing all meters at the same heights, they may be arranged in two tiers, with the openings for the meter dials in the lower tier as near as practicable to five feet above mean ground level and the second tier placed as near as practicable above the first. Where space limitations will not permit, the electric public service company, subject to the approval of the chief electrical inspector, may determine the arrangement to be used. All service outlets shall be located so as to permit placing the electric public service company's wires on the wall of the building next to the supply.

( Ord. No. 1620, § 1, 5-14-2018 )

**Sec. 22-202. Irregular placement of meters.**

The electric public service company shall never require the placing of the meter on the front or street side of a building without the written consent of the owner; where not practical in the opinion of the chief electrical inspector to place metering devices on the exterior of the building, the location shall be at a point convenient to the electric public service company's service as determined by the chief electrical inspector.

( Ord. No. 1562, § 2, 12-17-2015 ; Ord. No. 1620, § 1, 5-14-2018 )

**Sec. 22-203. Reserved.**

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**Sec. 22-204. Location of service disconnecting means.**

Service disconnecting means shall be located so that the height to the center of the operating handle shall not be less than four feet nor more than six feet above the floor or finish grade. The maximum distance between meter service and disconnection means shall be three feet.

( Ord. No. 1620, § 1, 5-14-2018 )

**Sec. 22-205. Requirements to facilitate work of fire department.**

For the purpose of expediting the extinguishing of fires in all buildings, both public and private, the main disconnect switch shall be placed adjacent to the power company meter on the exterior of all buildings, residential and commercial.

( Ord. No. 1620, § 1, 5-14-2018 )

**Sec. 22-206. Service equipment rating.**

The service entrance conductors and the service equipment on residential buildings shall have a rating of not less than 200 amperes. This applies to new construction as well as replacement services for existing residential buildings.

( Ord. No. 1620, § 1, 5-14-2018 )

**Secs. 22-207—22-233. Reserved.****ARTICLE V. PLUMBING AND GAS****DIVISION 1. GENERALLY****Sec. 22-234. Definitions.**

Words, when not otherwise separately defined below or in chapter 1, shall have meanings which conform to the meaning in the International Plumbing Code, ~~2015 Edition~~ [as adopted in Sec. 22-4](#), if set out; otherwise, they shall have their usual meanings.

*Plumbing inspector* means an individual who has been designated by the city as an inspector and is licensed as a plumbing inspector through the state board of plumbing examiners.

( Ord. No. 1562, § 2, 12-17-2015 )

**Secs. 22-235—22-265. Reserved.****DIVISION 2. LICENSING OF PLUMBERS**

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**Sec. 22-266. Licensing and regulation of plumbers.**

- (a) All persons who engage in or work at the actual installation, alteration, repair and renovating of plumbing, piping and equipment shall possess either a master or journeyman plumber's license or tradesman plumber-limited license or an apprentice registration card in accordance with the provisions of the state plumbing license law.
- (b) Plumbing permits shall be issued to only a master plumber licensed by the state board of plumbing examiners and has met the requirements of V.T.C.A., Occupations Code § 1301.552 of the state plumbing license law.
- (c) Nothing in this section shall prevent a property owner from installing or maintaining plumbing equipment within the property owner's homestead, provided that the work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate the provision of this article nor is it to be construed as exempting any such property owner from obtaining a permit and paying the required fees therefor.

( Ord. No. 1562, § 2, 12-17-2015 )

**Secs. 22-267—22-295. Reserved.**

*DIVISION 3. TECHNICAL STANDARDS*

**Sec. 22-296. Plumbing and gas codes adopted.**

The International Plumbing Code, ~~2015 Edition~~, and the International Fuel Gas Code, ~~2015 Edition~~, as adopted in Sec. 22-4, prepared by the International Code Congress, a copy of each, authenticated by the signature of the mayor and the city secretary is hereby made a public record and is on file in the city secretary's office are hereby adopted by reference as the plumbing code of the city as if copied at length in this article.

( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-297. Plumbing code amendments.**

The International Plumbing Code and International Fuel Gas Code adopted in ~~section 22-296~~ Sec. 22-4 is hereby amended in the following respects. The following sections of the International Plumbing Code are hereby revised:

International Plumbing Code, Section 109 Means of Appeal. Delete chapter.

International Fuel Gas Code, Section 113 Means of Appeal. Delete chapter.

~~Section 106.6.2. Insert permit fee schedule as follows:~~

~~Plumbing Permit fees for newly constructed residential dwellings shall be based on the valuation of the electrical work and calculated in accordance with the Building Permit Fees Table in Section 22-50.~~

~~Plumbing Permit fees for commercial construction and for residential plumbing repairs and modifications shall be as follows:~~

**Plumbing Permit:**

<del>Base Permit Fee</del>	<del>\$55.95</del>
<del>Fixtures</del>	<del>\$11.77—EA</del>
<del>Sewer</del>	<del>\$29.61</del>

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**Private Sewer Collector:**

-1—100 FT LF (\$38.51 Min)	\$0.70 per LF
101—1,000 FT	\$72.09
Over 1,000 FT	\$100.00 + \$0.10/LF
Waste Pretreatment Interceptor	\$23.00
Roof Drains (inside bldg.)	\$11.77 EA
Water Piping per 100 LF	\$5.69 (Min. 100')
Drainage Piping per 100 LF	\$5.69 (Min. 100')
Water Heater	\$14.57 EA

**Gas Clearance:**

-(At a single site address) When required by utility company to establish service	\$108.42
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**Gas Piping:**

-5 outlets or less	\$7.38
More than 5 outlets	\$1.30 EA
Lawn Sprinkler System (includes backflow device)	\$17.79 EA
Atmosphere Type Vacuum Breaker	\$14.77

**Backflow Devices not Atmospheric:**

-Permit	\$78.09 per device
Miscellaneous equipment/appliances	\$11.77 EA

**Customer Service Inspections:**

-Permit	\$55.95
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**Pools:**

-Public Pool	\$109.65
Public Spa	\$73.00
Private Pool	\$73.00
Private Spa	\$36.34

**Re-inspection Fee:**

-Permit	\$78.92
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Chapter 1 — Scope and Administration. Delete chapter.

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~~Section 108.4. Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

~~Section 108.5. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this Code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50.00 or more than \$500.00.~~

~~Section 305.6.1. Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches below grade.~~

~~Section 904.1. All open vent pipes that extend through a roof shall be terminated at least six inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven feet (2134 mm) above the roof.~~

~~Section 608.18 is hereby added and shall read as follows:~~

~~608.18. Backflow prevention assembly testing:~~

~~608.18.1. All backflow prevention assemblies shall be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications. All backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester. A test report must be completed by a recognized backflow prevention assembly tester for each assembly tested. The signed and dated original form must be submitted to the city within five working days of the test.~~

~~608.18.2. Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Original forms of such tests, repairs, and overhauls shall be kept and submitted to the city within five working days of the test, repair, or overhaul of each backflow prevention assembly.~~

~~608.18.3. No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the city. Whenever the existing assembly is moved from the present location or can not be repaired, the backflow prevention assembly shall be replaced with a backflow prevention assembly or device that complies with this section, the American Water Works Association Manual M14, current edition, University of Southern California Manual of Cross Connection Control, current edition, or the current plumbing code of the city, whichever is more stringent.~~

~~608.18.4. All backflow prevention assemblies shall be installed in accordance with the manufacturer's instructions, the American Water Works Association Manual M14 or the University of Southern California Manual of Cross Connection Control.~~

~~608.18.5. Test gauges used for backflow prevention assemblies testing shall be calibrated at least annually in accordance with the University of Southern California's Manual of Cross Connection Control or the American Water Works Association's Recommended Practice for Backflow Prevention and Cross Connection Control (Manual M14). The original calibration form must be submitted to the city within five working days after calibration.~~

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~~608.18.6. A recognized backflow prevention assembly tester must hold a current endorsement from the Texas Commission on Environmental Quality.~~

Section 608.19 is hereby added and shall read as follows:

608.19. Customer service inspections.

608.19.1. A customer service inspection shall be completed prior to providing continuous water service to all new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.

608.19.2. Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:

608.19.2.1. Plumbing inspectors and water supply protection specialists that have been licensed by the Texas State Board of Plumbing Examiners.

608.19.2.1. Customer service inspectors who have completed a TCEQ approved course, passed an examination administered by the commission or its designated agent and hold current certification or endorsement as a customer service inspector.

608.20 is hereby added and shall read as follows:

The customer service inspection must certify that the plumbing installation is in compliance with the following requirements:

608.20.1. There is no direct connection between the public drinking water supply and a potential source of contamination. Potential sources of contamination are isolated from the public water system by an air-gap or an appropriate backflow prevention device.

608.20.2. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.

608.20.3. No connection that allows water to be returned to the public drinking water supply is permitted.

608.20.4. No pipe or pipe fitting which contains more than eight percent lead may be used for the installation or repair of plumbing at any connection that provides water for human use.

608.20.5. No solder or flux that contains more than 0.2 percent lead can be used for the installation or repair of plumbing at any connection which provides water for human use.

Section 702.3.1 is hereby added and shall read as follows:

702.3.1. *Materials.* Clay sewer pipe is not permitted on private property installations. All sewer collector lines shall be a minimum of four inches in diameter, whether publicly or privately owned and, must be PVC pipe as required by ASTM Schedule 40.

Section 1003.2., "Approval," is hereby amended to read as follows:

1003.2. *Approval.* The size, type and location of each interceptor or separator shall be approved by the plumbing official.

Section 1003.6.1 is hereby added and shall read as follows:

1003.6.1. Trap size for lint traps.

- a. Lint traps for washaterias that operate five to ten machines shall be at least a small trap (300 gallons).

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- b. Lint traps for washaterias that operate 11 to 20 machines shall be at least an intermediate trap (500 gallons).
- c. Lint traps for washaterias that operate 21 or more machines shall be at least a large trap (1,000 gallons).

Section 1003.2.1 is hereby added to read as follows:

1003.2.1. Maintenance. Inceptors shall be maintained in an efficient operating condition by a periodic removal of accumulated grease.

Section 1003.2.2 is hereby added to read as follows:

1003.2.2. Maintenance of interceptors. Interceptors shall be maintained in efficient operating condition by periodic removal of accumulated grease and lint. All devices or safeguards required by this chapter shall be maintained in good working order. The owner, operator or lessee of the establishment or his designated agent shall be responsible for their maintenance.

Section 1003.2.3 is hereby added to read as follows:

1003.2.3. Frequency of maintenance. The building inspector shall establish the frequency of maintenance and inspect such traps as deemed necessary.

Section 1003.2.4 is hereby added to read as follows:

1003.2.4. Change of frequency of maintenance. The building inspector has the authority to change the frequency of maintenance of each establishment as said official deems reasonable and necessary.

Section 1003.2.6 is hereby added to read as follows:

1003.2.6. Records. Each establishment shall maintain a log of the date of clean out, amount of grease removed, and the contractor's name and the signature of who performed the service. The records shall be readily available to the building inspector or his designate.

( Ord. No. 1562, § 2, 12-17-2015 )

## Sec. 22-298. ~~Gas code amendments~~ Repealed.

The International Fuel Gas Code is hereby amended in the following respects:

### ~~Chapter 1 — Scope and Administration. Delete chapter.~~

~~Section 108.4. Persons who shall violate a provision of this Code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

~~Section 108.5. Upon notice from the code official that work is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than \$50.00 or more than \$500.00.~~

( Ord. No. 1562, § 2, 12-17-2015 )

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Secs. 22-299—22-329. Reserved.

**ARTICLE VI. MECHANICAL CODE**

*DIVISION 1. GENERALLY*

**Sec. 22-330. Definitions.**

The following words, terms and phrases, when used in the International Mechanical Code, shall have the meanings ascribed to them in this section:

*Mechanical inspection department (department)* means the inspection department of the city.

( Ord. No. 1562, § 2, 12-17-2015 )

Secs. 22-331—22-348. Reserved.

*DIVISION 2. MECHANICAL CONTRACTOR LICENSE*

**Sec. 22-349. Required.**

No person shall engage in or work at the actual installation, alteration, repair, and renovating of any mechanical equipment which is subject to the International Mechanical Code or cause the same to be done, without first having ~~obtained a city air conditioning and refrigeration contractor license; however, proof of a valid air conditioning and refrigeration contractor license issued by the state is acceptable in lieu of a city license~~ registered as a contractor with the city. In the event that a mechanical contractor has a valid mechanical license issued by the state, then such license must be registered with the city.

( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-350. Adoption of state rules.**

The state permanent rules adopted pursuant to the air conditioning and refrigeration contractor license law, V.T.C.A., Occupations Code § 1302.001 et seq., are hereby adopted.

( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-351. Insurance.**

Insurance requirements for state ~~and city~~ licensees shall be those found in the permanent rules referenced in section 22-350.

( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-352. Display of names and license numbers.**

All persons who are issued a license under this section or who have a valid state air conditioning and refrigeration contractor's license shall display their names and license numbers on all their trucks.



( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-353. Homeowner rights.**

Nothing in this section shall prevent a homeowner from installing or maintaining mechanical equipment within his own property boundaries, provided that the work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate the provisions of this article nor is it to be construed as exempting any such property owner from obtaining a permit and paying the required fees therefor.

( Ord. No. 1562, § 2, 12-17-2015 )

**Secs. 22-354—22-381. Reserved.**

**Sec. 22-382. Adopted.**

The International Mechanical Code, ~~2015 Edition~~ [as adopted in Sec. 22-4](#), prepared by the International Code Council, a copy of which is authenticated by the signature of the mayor and the city secretary, is made a public record and is on file in the city secretary's office and is hereby adopted by reference as the mechanical code of the city as if copied at length in this article.

( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-383. Amendments.**

The International Mechanical Code adopted in ~~section 22-382~~ [Sec. 22-4](#) is hereby amended in the following respects:

[Section 113 Means of Appeal. Delete Chapter.](#)

~~Section 106.5.2. Insert fee schedule as follows:~~

~~Mechanical Permit fees for newly constructed residential dwellings shall be based on the valuation of the mechanical work and calculated in accordance with the Building Permit Fees Table in Section 22-50.~~

~~Mechanical Permit fees for commercial construction and for residential mechanical repairs and modifications shall be as follows:~~

**Mechanical Permit:**

<del>-Base Permit Fee</del>	<del>\$55.95</del>
<del>Furnaces and All-in-One HV AC (Package Units):</del>	
<del>-100K BTU or less</del>	<del>\$17.79</del>
<del>Over 100K BTU</del>	<del>\$21.85</del>
<del>Floor Furnace</del>	<del>\$17.79</del>
<del>Suspended, Recessed, Floor Mounted</del>	<del>\$17.79</del>
<del>Heat Pump — Split System</del>	<del>\$30.57</del>
<del>Piggy-back HV AC (w/evap)</del>	<del>\$30.57</del>
<del>100K BTU or less</del>	<del>\$17.79</del>
<del>Over 100K BTU</del>	<del>\$21.85</del>
<del>Repairs/additions to existing equip.</del>	<del>\$16.45</del>

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**Air Handlers:**

-Less than 10,000 CFM	\$12.78
More than 10,000 CFM	\$21.43
Evaporative Coolers	\$12.78

**Ventilation and Exhaust:**

-Appliance Vents	\$8.71
Compensation Air Circulation System	\$12.78

**Exhaust Hoods:**

-Type I	\$167.88
Type II	\$12.78
Product Conveying Exhaust System	\$12.78
Vent/Exhaust System	\$8.71
Refrigeration Condensers	\$12.78
Refrigeration Evaporators	\$12.78
Incinerators, Commercial and Industrial	\$17.43

**Boilers/Compressors/Absorption System:**

-3 HP or 100k BTU/h	\$17.43
>3 HP and < 15 HP or > 100K and < 500K BTU/h	\$32.60
> 15 HP and < 30 HP or > 500K < 1,000K BTU/h	\$44.76
> 30 HP and < 50 HP or > 1,000K BTU/h and < 1,750K BTU/h	\$66.63
> 50 HP or > 1,750K BTU/h	\$111.33
Miscellaneous equipment/appliance	\$12.78
Chilled/Hot Water Piping (Hydronic)	\$5.69

**Re-inspection Fee:**

-Permit Fee	\$78.92
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~~Chapter 1 — Scope and Administration. Delete chapter.~~~~Section 106.5.3. Delete section.~~

~~Section 108.4. Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a Class C Misdemeanor, punishable by a fine of not more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

~~Section 108.5. Upon notice from the code official that mechanical work is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.~~

~~Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than \$50.00 or more than \$500.00.~~

~~(Ord. No. 1562, § 2, 12-17-2015)~~

**Secs. 22-384—22-409. Reserved.**

## **ARTICLE VII. HOUSING CODE**

### **Sec. 22-410. International Property Maintenance Code adopted.**

The International Property Maintenance Code, ~~2009 Edition~~ [as adopted in Sec. 22-4](#), prepared by the International Code Council, a copy of which is authenticated by the signature of the mayor and the city secretary, is made a public record and is on file in the city secretary's office and is hereby adopted by reference as the standard housing code of the city as if copied at length in this article.

( Ord. No. 1562, § 2, 12-17-2015 )

### **Sec. 22-411. Violations.**

Any person who shall willfully refuse or fail to leave a building which has been ordered vacated under the terms of this article, or who shall enter a building which has been ordered vacated under the terms of this article, or who shall enter an area around such building that has been declared to be dangerous and notice of which declaration shall have been posted, and/or any person who shall interfere with or hinder the vacation, repair or demolition of any building under the terms of this article, or who shall procure the violation of any provision of this article, shall be deemed guilty of an offense punishable as provided in section 1-16.

( Ord. No. 1562, § 2, 12-17-2015 )

### **Sec. 22-412. Applicability.**

- (a) The provisions of this article shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.
- (b) The provisions of this article shall apply to any building or structure irrespective of when the building or structure was constructed, altered or repaired.
- (c) All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this article in a building when erected, altered or repaired, shall be maintained in good working order.
- (d) No provision of this article shall be held to deprive any federal or state agency, or any municipal authority having jurisdiction, of any power or authority, or of any remedy then existing for the enforcement of its orders, nor shall it deprive any person of any rights provided by law.

( Ord. No. 1562, § 2, 12-17-2015 )

### **Sec. 22-413. Amendments to adopted code.**

The following amendments to the housing code are hereby adopted:

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~~106.3. Duty of city attorney. It shall be the duty of the city attorney to enforce the orders and citations of the building inspector or his designee in the appropriate court of this state.~~

[Section 107 Means of Appeal. Delete Chapter.](#)

~~Section 301A is hereby created to read as follows:~~

~~Section 301A. Addresses. Each owner of a residential building in the city shall conform to a street address numbering system as developed and assigned by the building department. Such numbers shall be at least four inches in the vertical dimension of a contrasting color to the background and installed so the number or address is plainly visible from the street or roadway.~~

Section 302.04. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.

Section 304.14. During the period from January 1 to January 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Section 602.3. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15 to March 31 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

( Ord. No. 1562, § 2, 12-17-2015 )

**Secs. 22-414—22-429. Reserved.**

### **ARTICLE VIII. ENERGY EFFICIENCY STANDARDS**

#### **Sec. 22-430. Building energy efficiency performance standards.**

- (a) *Single-family residential construction.* Effective September 1, 2016, the energy efficiency chapter of the International Residential Code, as it existed on May 1, 2015, is adopted as the energy code for single-family residential construction as it is defined in V.T.C.A., Health and Safety Code § 388.002(12). A copy of the International Residential Code, [2015 Edition as adopted in Sec. 22-4](#), is authenticated by the signature of the mayor and the city secretary, is made a public record and is on file in the city secretary's office.
- (b) *All other residential, commercial, and industrial construction.* Effective September 1, 2016, the International Energy Conservation Code, as it existed on May 1, 2015, is adopted as the energy code for use for all residential, commercial, and industrial construction that is not single-family residential construction under subsection (a). A copy of the International Energy Conservation Code, [2015 Edition as adopted in Sec. 22-4](#), is authenticated by the signature of the mayor and the city secretary, is made a public record and is on file in the city secretary's office. [The following amendments to the International Energy Conservation Code are hereby adopted: Section C110 Board of Appeals. Delete Chapter.](#)

( Ord. No. 1562, § 2, 12-17-2015 )

**Secs. 22-431—22-439. Reserved.**

### **ARTICLE IX. SUBSTANDARD BUILDINGS**

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**Sec. 22-440. Substandard buildings defined.**

All buildings or structures which have any or all of the following defects or lack of facilities, shall be deemed substandard buildings:

- (1) All buildings or structures which do not have the number of plumbing fixtures as required by the plumbing regulations of the city or which have pit privies where the same are not permitted by law, or which are not connected to the city sewer when required by law, or where inadequate and unsanitary pit privies or septic tanks exist.
- (2) All buildings or structures that have become deteriorated through accident or lack of repair or natural causes, or by damage through exposure to the elements, especially winds, hail or rain, or damage through fire, to the extent that the roof, windows and doors, or portions of the building or structure, which protect from the weather will no longer protect from the weather.
- (3) All buildings or structures which constitute or in which are maintained, fire hazards, as that term is defined through the fire prevention code of the city.
- (4) All buildings or structures which are so structurally deteriorated that they are in danger of collapse, or which cannot be expected to withstand winds of hurricane force.
- (5) All buildings or structures not wired in conformity with the electrical code of the city.
- (6) All buildings or structures not constructed in conformity with the city building code.
- (7) All buildings or structures so constructed or permitted to be so constructed as to constitute a menace to health or safety including all conditions conducive to the harboring of rats or mice or other disease-carrying animals or insects reasonably calculated to spread disease, and including such conditions hazardous to safety as inadequate bracing or the use of deteriorated materials.
- (8) All dwellings, apartment houses, rooming houses or buildings or structures used as such which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress; or are otherwise dangerous to human life, or which, in relation to existing use, constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment or which do not comply with the minimum standards for dwellings and apartments as set out in the International Property Maintenance Code, as adopted in this chapter.

( Ord. No. 1562, § 2, 12-17-2015 )

**Secs. 22-441—22-463. Reserved.****ARTICLE X. HOUSE MOVING****DIVISION 1. GENERALLY****Sec. 22-464. Definitions.**

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

*House* means any building or structure used or designed to be used for human habitation or occupancy in any manner or for any purpose.

*House moving* means the transportation of a house from place to place along or across any public street within the corporate limits of the city.

*Licensee* means any person who shall obtain and have a current license as provided in division 2 of this article.

*Permit* means any permit issued under the provisions of the building code of the city which authorizes the moving of a building.

*Street* means any part of the street, exclusive of the sidewalk area.

( Ord. No. 1562, § 2, 12-17-2015 )

### Sec. 22-465. Permit and compliance with building code.

- (a) *Permit.* ~~There shall be a \$73.48 permit fee for moving any building or structure.~~ The permit must be obtained prior to moving any equipment onto the site. The owner must also apply for the applicable building permits prior to moving the structure.
- (b) *Specifications.* The building ~~official~~ ~~inspector~~ must specify on the permit acceptable route, total permissible height and width of structure moved and moving ~~vehicle, and~~ ~~vehicle and~~ may require any other reasonable conditions.
- (c) *Review by building official* ~~inspector~~.
- (1) No permit shall be issued for the moving of any house which has deteriorated or been damaged to an extent greater than 50 percent of the fair market value of the house.
  - (2) No permit shall be issued for the moving of any house unless the building ~~inspector~~ ~~official~~ has found the house will not cause substantial depreciation in the value of those buildings already constructed or under construction in the immediate neighborhood. The house must also be found to be in harmony with the character of the neighborhood. The building ~~inspector~~ ~~official~~ shall base his/her findings on an examination of the application for the building permit. The application shall include exterior elevations and accurate photographs of all sides and views of the house to be moved. If exterior alterations are proposed, complete plans and specification for such changes must also be included.
  - (3) ~~No building permit shall be issued unless the applicant posts a performance bond in cash in the amount of \$500.00 minimum, or ten percent of the on-site completion costs as determined by the building inspector. The condition of the bond shall be that the applicant shall forfeit the bond upon failure to place and complete the structure according to the plans and specification within the time allowed.~~
- (d) *Permanent location and installation.* It shall be unlawful for any person to begin or complete the moving of any house onto any property in the city unless the permanent location and installation of such house on such property in all respects complies with article III and this article.
- (e) *City permit required.* It shall be unlawful to begin razing a house or structure from its foundation or moving it prior to obtaining a valid city permit.
- (f) *Permit display.* The approved permit must be displayed to the public on the building or structure at all times prior to moving and during moving.
- (g) *Building permits are valid for 180 days.* The building ~~inspector~~ ~~official~~ may allow one permit extension on submission of written proof by the holder of the permit that conditions beyond his control make it impossible to complete the required alterations and improvements within the 180 days.

( Ord. No. 1562, § 2, 12-17-2015 )

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**Sec. 22-466. Time restrictions.**

Houses shall only be moved through the city between the hours of 6:00 a.m. and 1:00 p.m. The maximum period of time which any house shall be allowed to remain in the streets of the city while being moved shall be seven hours.

( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-467. Manner of moving.**

During the entire time that a house being moved is occupying any street, the licensee shall keep it continuously in motion toward its destination and shall not allow the work of moving to stop during such time.

( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-468. Disconnecting utilities by city utility department; fee.**

Only the city utility department shall disconnect and seal utility openings. A termination fee as provided in ~~section 22-50 shall apply~~ [Appendix B shall apply](#). A permit to move a house shall not be issued until it is ascertained that service connections and appurtenant equipment such as meters and regulators, have been removed or sealed or plugged in a safe manner.

( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-469. Cutting down trees or branches.**

It shall be unlawful for any licensee engaged in moving a house to cut down any tree growing within any parkway or esplanade of a public street or to cut any branches from such street without having first obtained permission from the building inspector.

( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-470. Disconnecting utilities by licensee.**

It shall be unlawful for any licensee to disconnect any electric light and power connection, gas connection, water connection or telephone connection from any house which he proposes to move without the consent of the public utility owning such connection.

( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-471. Notice to utility companies.**

It shall be the duty of the person, firm or corporation moving the house or building to give immediate notice of the move to any and all companies maintaining overhead wires across or along any street or alley included in the designated route along which such house or building is to be moved. Said company or companies shall be told the time when the move is to be undertaken and when it will be necessary to raise or cut such wires.

( Ord. No. 1562, § 2, 12-17-2015 )

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**Sec. 22-472. Route.**

The route to be used for house moving shall be approved in advance ~~by the city police department. Proof of such approval shall be delivered to the public works department of the city as a condition of permit issuance before permit issuance.~~ Upon permit issuance, the holder of such permit shall cause notice to be given to the police department, fire department, director of emergency medical service and utility companies that will be affected by the same.

( Ord. No. 1562, § 2, 12-17-2015 )

**Sec. 22-473. Repair, certificate of facts and amount of damage.**

If the building ~~inspector~~official discovers that the licensee has caused damage to the streets, curbs, gutters, sidewalks or other public property, he shall notify the licensee of such fact, specifying the damage by mailing to him a written notification at either of the addresses listed in the licensee's application. The licensee shall proceed within two days from the date of such notification to reimburse the city for the cost of all required repairs. Should the licensee fail or refuse to timely make such reimbursement, the building ~~inspector~~official shall file a claim against either licensee's bond, insurance or both. If the bond is insufficient to cover the full cost of repairs, the city attorney shall proceed against the licensee in the appropriate court of this state to recover judgment.

( Ord. No. 1562, § 2, 12-17-2015 )

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**Sec. 22-474. Nuisance abatement.**

Structures that are not completed according to the submitted plans and specification within 180 day of the date of issuance of the permit, and any extension of time that may be granted by the building ~~inspector~~official, are declared to be a public nuisance, and in addition to any other remedy available under the law, may be abated pursuant to chapter 38, article I.

( Ord. No. 1562, § 2, 12-17-2015 )

**Secs. 22-475—22-499. Reserved.**

*DIVISION 2. LICENSE*

**Sec. 22-500. Required.**

It shall be unlawful for any person to move any house along or across any public street within the corporate limits of the city without being licensed to engage in the business of house moving.

(Code 1985, § 6-196; Code 2000, § 22-591)

**Sec. 22-501. Application.**

Any person desiring to engage in the business of house moving shall make application for a license to the building ~~inspector~~official of the city. Such application shall be in writing and shall contain the following:

- (1) The name of the applicant and his residence and business address. If a partnership or association, the application shall state the names of all partners, their residence addresses and the office address of the partnership or association. If a corporation, the application shall state the names and residence addresses of all officers and directors and the principal office of the corporation.



- (2) A statement that the applicant, or officers if the applicant is a corporation, have read and thoroughly understood the terms of this article and agree to abide by its terms in the business of house moving.
- (3) The application shall contain such other information as may be required by the building ~~inspector~~official, including the applicant's permission to review his traffic and criminal record.
- (4) The building ~~inspector~~official, in his sole discretion, may deny the application based upon an unsatisfactory traffic record, criminal record, route, safety hazard, failure to provide required insurance and/or bond, or any other relevant reason.
- (5) The application shall be signed by the applicant, if an individual; by a partner, if a partnership; by the president, if an association or corporation.

(Code 1985, § 6-197; Code 2000, § 22-592)

#### Sec. 22-502. Fee and expiration date.

The applicant for a house moving license shall pay an annual license fee of \$100.00; ~~however, all licenses shall expire and be renewed on March 31, regardless of whether the license has been in effect a full year.~~

(Code 1985, § 6-198; Code 2000, § 22-593)

#### Sec. 22-503. Bond.

- (a) The applicant for the license required by this division shall file with the city an original bond executed by the applicant and by a good and sufficient corporate surety company which is incorporated under state law or authorized to do business in this state and which has fully paid-up capital stock of at least \$100,000.00. Such bond shall be in the sum of \$3,000.00 and conditioned that the principal obligor, if granted a license, will engage in the business of house moving within the corporate limits of the city in strict accordance with the terms of this article and will pay to the city any and all damages to streets, curbs, gutters, water lines, fire hydrants and other public property occasioned in any manner by the principal obligor's moving of houses, and further conditioned that the principal obligor will pay to the city as minimum liquidated damages the sum of \$100.00 per day for each day or part of day that any house being moved by the obligor shall remain on any street in excess of the number of days shown in the permit for moving such house issued to such licensee by the city. The bond shall contain a provision that the parties recognized that the damages to the city occasioned by any house remaining on any street in excess of number of days shown in the permit will, in all probability, be difficult to ascertain and consequently, that the parties have agreed on the minimum amount of such damages. Such bond shall contain a further provision that the amount agreed upon is the minimum amount of damages which the city will sustain in any event and that the city shall not be prevented from proving and claiming any ascertainable amount in excess of such minimum sum.
- (b) The bond, while made payable to the city, shall also insure to the benefit of any person damaged or injured in any manner by the principal obligor by reason of the moving of any house within the corporate limits of the city, other than agents, servants or employees of said principal obligor.
- (c) The bond shall provide for a minimum 30 days' notice to the city by the surety of any cancellation or termination and shall contain a provision that it shall not be exhausted until recovery of its full amount is obtained, provided that if the surety shall so elect, this bond may be cancelled by giving 30 days' notice in writing to the said obligee and this bond shall be deemed cancelled at the expiration of said 30 days; but said surety so filing said notice shall not be discharged from any liability already incurred under this bond or which shall accrue hereunder before the expiration of said 30-day period.

(Code 1985, § 6-199; Code 2000, § 22-594)

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**Sec. 22-504. Insurance.**

Prior to obtaining a license, the applicant shall file with the building inspector a valid certificate of insurance in the amount of \$300,000.00 each person and \$500,000.00 each accident for bodily injury liability, and, in addition, not less than \$100,000.00 property damage coverage. The insurer must notify the city 30 days prior to cancellation of the policy and name the city as an additional insured on the face of the valid certificate of insurance.

(Code 1985, § 6-199.1; Code 2000, § 22-595)

**Sec. 22-505. Issuance.**

The building inspector~~official~~ shall examine the application and bond and if he is satisfied that the same are in order and that the surety signing the bond is good and sufficient, he shall issue to the applicant a license to engage in the business of house moving in the city.

(Code 1985, § 6-200; Code 2000, § 22-596)

**Sec. 22-506. Transfer.**

The house moving license shall constitute a personal privilege and shall not be transferable.

(Code 1985, § 6-201; Code 2000, § 22-597)

**Sec. 22-507. Renewal.**

A house moving license may be renewed upon the filing of a new application, payment of the required fee and filing of a new bond and certificate of insurance, all as required by this division.

(Code 1985, § 6-203; Code 2000, § 22-598)

**Sec. 22-508. Suspension or revocation.**

The building inspector~~official~~ is empowered to suspend or revoke the license of any licensee who violates any provision of this article. Such suspension or revocation shall not bar a prosecution for the same offense.

(Code 1985, § 6-203; Code 2000, § 22-599)

**Secs. 22-509—22-519. Reserved.****ARTICLE XI. VACANT BUILDINGS AND PROPERTY<sup>2</sup>**

<sup>2</sup>Ord. No. 1694, adopted August 23, 2022, enacted provisions to be designated as §§ 22-480—22-490. In order to maintain the numerical standards of the Code, said provisions have been redesignated as §§ 22-520—22-530. Original section designations have been maintained in the history notes following each section.

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**Sec. 22-520. Purpose.**

The City of Bay City focuses on the revitalization of the city through marketing, promotions, events and historic preservation. As such, the city council finds that:

- (a) Buildings that are vacant and unsecured and/or not properly maintained are a blight and cause deterioration and preservation and financial instability in the city.
- (b) Buildings that are vacant and unsecured and/or not properly maintained are declared to be public nuisances and pose serious threats to the public's health and safety.
- (c) Buildings that are vacant and unsecured and/or not properly maintained are vulnerable to being set on fire.
- (d) Buildings that are vacant and unsecured and/or not properly maintained attract vagrants, gang members and criminals as prime locations to conduct illegal criminal activities.
- (e) Abatement and/or rehabilitation of buildings that are vacant and unsecured and/or not properly maintained is necessary.

( Ord. No. 1694, § 1(22-480), 8-23-2022)

**Sec. 22-521. Definitions.**

Unless otherwise expressly stated, the following words, terms, and phrases, when used in this article, have the meanings ascribed to them in this section, unless the context of their usage clearly indicates a different meaning: The word "shall" is mandatory; the word "may" is permissive. All public officials, bodies, and agencies to which reference is made are those of the city, unless otherwise indicated.

*Administrator* means the city's city manager.

*Board*, when used as a verb, means to cover an opening with lumber, wood panels or other material.

*Boarded building* means a building on which any opening to the outside is covered with lumber, wood panels, or other materials.

*Building* means any structure used or intended for supporting or sheltering any use or occupancy to which this article applies, and includes an enclosed building, open building, and partially open building.

*Commercial* means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to any place of amusement or entertainment and includes all adjacent parking areas under the control of the owner of the establishment.

*Historical* means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The standards and guidelines can be applied to historic properties of all types, materials, construction, sizes, and use. They include both the exterior and the interior and extend to a property's landscape features, site, environment, as well as related new construction. To promote and protect the preservation of historic buildings and homes the City of Bay City requires a certificate of appropriateness to all historic structures prior to all work. This certificate approves work done on buildings within the historic district. Everything that can be seen from outside the house, including windows, doors, paint colors, materials, rooflines, gutters, fences, and yards must receive a COA confirming that it is appropriate and acceptable.

*Owner* means the owner of record in the county where the real property is situated; anyone identified as the owner on a registration form; the holder of an unrecorded contract for deed; a mortgagee or vendee in possession; a mortgagor or vendor in possession; and an assignee of rents, receiver, executor, trustee, lessee, or other person in possession or with the right to control of the premises or a portion of the premises. Any person

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who is included in this definition as an owner has joint and several obligations for compliance with the provisions of this article. A tenant who does not have the right of possession or control of a portion of the building that is unoccupied is not an owner for the purposes of this article.

*Properly maintained* means taking measures to:

- (a) Prevent the physical deterioration of the building;
- (b) Prevent a decline in the appearance of the building, including keeping painted surfaces with a secure and intact coating and preserving signage without physical deterioration;
- (c) Keep a building in a clean, safe, secure, and sanitary condition, compliant with all applicable codes; and
- (d) Prevent the building from becoming an attractive nuisance.

*Residential use* means the primary use of property is limited to one of the following:

- (a) Apartment means a room or a group of related rooms, among similar sets in one building, designed for use as a dwelling; or a multi-family building type that is comprised of three or more dwelling units, each having an entrance to a hallway, stairway, or balcony in common with at least one other dwelling unit. Apartments may be leased, rented, or owned in a condominium style of ownership;
- (b) Attached single-family dwelling;
- (c) Detached single-family dwelling; or
- (d) Duplex means a single-family attached building which contains two dwelling units, each of which is totally separated from the other by:
  - (1) An unpierced wall extending from foundation to roof ("side-by-side" duplex); or
  - (2) A ceiling/floor that extends from exterior wall to exterior wall, pierced only by a stairway that is not in side of either dwelling unit ("over-under" duplex).

*Secure* means to take measures to ensure that the building is weatherproof and water-tight and that the interior of the building cannot be accessed by:

- (a) Unauthorized persons; or
- (b) Birds, rodents or other animals through broken windows or other openings in the structure.

*Secured by normal measures* means the use of structural components of a building, including fixtures, such as doors, unbroken windows, locks, latches, electronic security systems, storm shutters, and security shutters which were installed while the building was constructed or added to the building while the building was occupied and being used for lawful purposes.

*Secured by other than normal measures* means a building secured by means other than those used in the design of a building or that are normally installed and utilized while a building is occupied and being used for lawful purposes. The term includes boarding any window or door opening.

*Unoccupied* means not being used for a lawful occupancy.

*Vacant building* means a building that is any of the following:

- (a) Occupied by an unauthorized person[s] and unsecured;
- (b) Unoccupied and unsecured;
- (c) Unoccupied and/or utilities have not been provided to the building space for a continuous period of time over six months; or
- (d) Unoccupied and has had two or more violations of property maintenance ordinances within the previous 12-month period.

( Ord. No. 1694, § 1(22-481), 8-23-2022)

**Sec. 22-522. Procedures.**

## Notice of vacant building:

- (a) Upon reasonable observation that a building may be a vacant building as determined by the administrator, or receipt of a complaint about a vacant building, the administrator may, upon their discretion, inspect or cause an inspection of the property, by the administrator or their designee, in order to determine if the building should be classified as a vacant building.
- (b) If the administrator determines that a building may be classified as a vacant building under this article, the administrator:
  - (1) Shall direct the attempt to contact the owner or an agent of the owner, identified by any sign posted on the property, or as identified in the Matagorda County Appraisal District records, by telephone or electronic and written communication, and advise the owner or agent that the building is a vacant building in the city and provide them with written property and building maintenance options and financial grant opportunity information from the city to bring the property and building into compliance. The property owner will be advised that they have 30 days to contact the administrator (or designee) with a plan to remediate maintenance items and advise on lease or sale proceedings. If the property owner fails to contact the administrator within the 30 days, then the administrator will require the following measures to be taken by the owner:
    - (A) File a completed vacant building registration within 14 days from receipt of the notice given, pursuant to section 22-523 of this article;
    - (B) Pay the registration fee required by section 22-524;
    - (C) Take action to correct any code violations; and
    - (D) Take measures to secure the building temporarily by normal or other than normal measures within 14 days from receipt of the notice given pursuant to section 22-522 and, for areas visible from the roadway, by normal measures within 90 days from receipt of the notice given, in accordance with the design standards set-forth in subsections 22-527(b)(1), (2), (3);
  - (2) Shall mail certified notice to the owner, with a copy to any agent identified by any sign posted on the property, or as identified in the Matagorda County Appraisal District records, which advises the owner that the building is a vacant building and that the following measures need to be taken by the owner:
    - (A) File a completed vacant building registration as more particularly described in section 22-523 within 14 days from receipt of the notice given pursuant to this subsection;
    - (B) Pay the registration fee required by section 22-524;
    - (C) Take action to correct any code violations; and
    - (D) Take measures to secure the building temporarily by normal or other than normal measures within 14 days from receipt of the notice given pursuant to section 22-522 of this article, and, for areas visible from the roadway, by normal measures within 90 days from receipt of the notice given, in accordance with the design standards set-forth in subsections 22-527(b)(1), (2), (3);
  - (3) May post notice on the building that it appears that the building is a vacant building and that the following measures need to be taken by the owner:

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- (A) File a completed vacant building registration as more particularly described in section 22-523 within 14 days from the receipt of the notice given pursuant to subsection (b)(2) of this section;
  - (B) Pay the registration fee required by section 22-524;
  - (C) Take action to correct any code violations; and
  - (D) Take measures to secure the building temporarily by normal or other than normal measures within 14 days from receipt of the notice given pursuant to section 22-522 of this article, and, for areas visible from the roadway, by normal measures within 90 days from receipt of the notice given, in accordance with the design standards set forth in subsections 22-527(b)(1), (2), (3); and
- (4) May issue a citation or file a complaint in municipal court for any violations of this article or other applicable provisions of this Code. The notice under section 22-522 must comply with the applicable requirements of the V.T.C.A., Local Government Code § 54.005.
  - (5) If the owner disputes the administrator's determination that the building should be classified as a vacant building under this article, the owner shall file a written notice of appeal with the administrator within 15 days from receipt of the notice provided in this section. The administrator shall schedule a hearing before the city council to determine whether the building should be classified as a vacant building. The appeal shall be placed on the city council's first available agenda. The city council shall hear the appeal in open session and shall render a decision at the conclusion of the hearing. Said decision shall be final.

Exceptions:

Upon an owner's written request to the administrator for an exception to the registration fee requirement, and a finding by the administrator that a vacant structure qualifies as described below, the following shall be exceptions from the registration fee requirements of this chapter:

- 1. A vacant structure that has a city building permit issued for remodel/repair, which complies with the City of Bay City, as follows:
  - a. If the work described in any building permit has not begun within 90 days from the date of issuance, the building permit shall expire and be canceled by the building official. Written notice shall be given to the persons affected.
  - b. If the work described in any building permit has not been substantially completed within one year of the date of issuance, the building permit shall expire and be canceled by the building official. Written notice shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a special building permit has been obtained.
- 2. A vacant structure that is being actively marketed for sale or lease for less than 12 months by a licensed real estate broker or an owner who is regularly advertising the property; or
- 3. A vacant structure that is under a contract for sale or lease for less than 12 months.

( Ord. No. 1694, § 1(22-482), 8-23-2022)

**Sec. 22-523. Registration.**

The owner of a vacant building, or a vacant portion of the building, shall register with the administrator, in accordance with this subsection, no later than 14 days after the owner receives written notice under section 22-522. The registration must be verified under a notary public, shall be on a form prescribed by the administrator, and shall at a minimum contain the following information:

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- (a) A description of the premises, including its address and legal description;
- (b) The names, addresses, and telephone numbers of all owners with a right of control over the property;
- (c) If the owner does not reside within Matagorda County, the owner shall designate an agent who resides within Matagorda County;
- (d) If owner designates an agent with the authority to independently act on the owner's behalf to repair or maintain the property, the contract, notarized affidavit or power of attorney reflecting such authority and the ability for the agent to receive and accept notices from the city on behalf of the owner shall be submitted;
- (e) The name, address, and telephone number of the owner's property manager or agent, and whether the property manager or agent has the authority to independently act on the owner's behalf to repair or maintain the property;
- (f) The name, address, and telephone number of the owner's property manager or agent authorized to respond to any emergency or alleged violation relating to the vacant building;
- (g) Identify a time frame the building will remain vacant and a plan for maintenance of the building during the period of vacancy with certification from the administrator that the building is compliant with all applicable codes;
- (h) Measures the owner will employ to secure the building, which may include one or more of the methods as required pursuant to the design guidelines, under subsections 22-527(b)(1), (2), (3);
- (i) Administrator's action on registration. The registration submitted by the owner must be approved by the administrator as being complete and sufficient to secure the vacant building;
- (j) Term. A registration is valid for one year from (12 months) from the month of registration, which will also apply if the ownership of the vacant building changes; new registration required;
- (k) Annual registrations. The owner of a vacant building shall be required to annually register until such time as the building is returned to an authorized occupancy. The annual registration must be verified under a notary public, shall be on a form prescribed by the administrator and contain a certification from the owner that the information on file with the administrator is true and correct.
- (l) Change in ownership. The owner of a registered vacant building shall be required to disclose to any buyer that the property is under registration with the city as a vacant building. The owner shall also disclose the requirement for the buyer to advise the administrator of a proposed development plan within 90 days of closing.
- (m) Updates. If a change other than described in subsection (e) of this section occurs during the period that a registration is otherwise valid, the owner shall be required to update the information with the city secretary in writing within 14 days of the change.

( Ord. No. 1694, § 1(22-483), 8-23-2022)

#### **Sec. 22-524. Fees.**

The owner of each vacant building shall pay to the administrator a vacant building registration fee in accordance with the below referenced chart:

- (a) *Annual registration fee.* \$250.00 for commercial, \$100.00 for historical, and \$50.00 for residential To be paid on the date of registration of the vacant building and shall extend for one year from the month of registration. The registration fee shall be paid annually each year thereafter for as long as the registration remains valid.
- (b) *Annual inspection fee.* The administrator shall assess an inspection fee of \$50.00 for inspections of a vacant building against the owner of the vacant building. This fee will be charged annually for

inspections associated with registration and thereafter as inspections are warranted in accordance with this article.

- (c) *Late payment charge.* Any fee required by subsections (a) or (b) of this section, which is not timely received by the administrator, shall be assessed an additional fee of:
- (1) Late registration fee if the annual registration fee is not paid on the date of registration of the vacant building or by 15th of the month of registration each year thereafter during such time as said registration is valid: \$50.00.
  - (2) Late inspection fee if inspection fee is not paid on the date of registration of the vacant building or by 15th of the month of registration each year thereafter during such time as said registration is valid: \$50.00.

( Ord. No. 1694, § 1(22-484), 8-23-2022)

### Sec. 22-525. Inspections.

- (a) The administrator shall provide for the building inspection and coordinate a fire marshal, code enforcement, and building inspector's inspection of each registered vacant building at the time of registration and in accordance with the schedule set forth below. The number of years a building has been vacant shall be measured starting on the effective date of the ordinance codified in this section.

Vacant Building Inspections	
Years Vacant	Frequency
1—3	Annually
4—6	Bi-Annually
7 +	Quarterly

- (b) In addition to the inspection referenced in subsection (a) of this section, if there is probable cause to believe that a code violation may be present in the vacant building or on the premises where the vacant building is located, the administrator shall provide for an additional fire marshal, code enforcement officer, and/or building inspector's inspection of the vacant building and/or premises.
- (c) All inspections shall be conducted to determine compliance with this article and all applicable codes.
- (d) The results of the inspection shall be provided to the owner of the vacant building and the person designated by the owner to facilitate a response to any emergency or alleged violation related to the vacant building.

( Ord. No. 1694, § 1(22-485), 8-23-2022)

### Sec. 22-526. Standards.

Maintenance of vacant building and premises:

- (a) *Compliance with applicable laws.* Any repairs, improvements, or alterations to the vacant building or on the property must comply with all applicable laws, codes, and regulations, and as further defined under section 22-521, property maintenance ordinances.
- (b) *Duty to clean.*
- (1) The owner of a vacant building shall remove any garbage and/or rubbish from the interior of the building.
  - (2) The owner of a vacant building shall remove any garbage, rubbish, high weeds and/or brush from the premises on which the vacant building is located.

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- (3) The owner shall keep the premises on which the vacant building is located properly maintained until the building is returned to an authorized occupancy or demolished.

(c) *Duty to secure.*

- (1) The owner of a vacant building shall lock or secure all doors, windows, and other openings to the vacant building.
- (2) The owner shall keep a vacant building secured, safe, and properly maintained.
- (3) If securing a vacant building by normal measures fails to keep the vacant building secure, the owner must use other than normal measures to secure the building, including boarding the vacant building in accordance with the design guidelines, under section 22-527 (b)(1), (2), (3).
- (4) Failure of the owner to maintain a vacant building in a secured condition, which failure results in abatement by the city, is subject to lien placement and/or any applicable penalties.

(d) *Duty to remove or repair.* The owner of a vacant building shall promptly remove or repair any element of the building or on the premises that is in a condition of decay or partial ruin by reason of neglect, misuse, or deterioration.

( Ord. No. 1694, § 1(22-486), 8-23-2022)

**Sec. 22-527. Standards for boarding a vacant building.**

- (a) The owner shall take measures to secure the building temporarily by normal or other than normal measures within 14 days from receipt of the notice given pursuant to section 22-522 of this section, in accordance with the following:
- (1) All unsecured doorways, windows, or other exterior openings must be covered by exterior grade wooden structural panels or other means as approved in writing by the administrator in order to ensure that such doorways, windows and other exterior openings are secured and not easily penetrated.
- (2) The materials used to secure the building shall be:
- (A) Flat, square, and level; and
- (B) In a manner accepted as good workmanship.
- The administrator has the sole discretion to determine if the work was performed in a manner that meets the requirements and intent of this Code.
- (3) All exterior materials used to board a vacant building must be painted or coated the same color that is the predominant color of the building.
- (4) All broken glass and any other loose material must be removed from the opening before the covering systems are installed.
- (5) Exterior access to floor areas above the first floor, such as fire escapes and ladders, must also be secured.
- (6) Fascia signs, overhanging signs, roof signs, and all other appurtenances, such as sun visors or awnings must be removed if they are in a dangerous condition or could create such a condition.
- (7) All loose or defective materials, trim, or structural elements on the exterior of the building must be removed.
- (8) Any condition which may become a hazard or danger to the public must be corrected.
- (b) The owner shall secure the building by normal measures for areas visible from the street within 90 days from receipt of the notice as described, in part, below:

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- (1) Historical: existing doors, windows, and awnings as prescribed in the certificate of appropriateness.
- (2) Commercial: normal commercial doors, windows, and awnings.
- (3) Residential: normal residential doors, windows, and awnings.

( Ord. No. 1694, § 1(22-487), 8-23-2022)

**Sec. 22-528. Abatement notice and order to abate.**

- (a) Upon finding a violation of this article, the administrator shall serve, in person or by certified mail, return receipt requested, a written notice and order to abate upon the owner.
- (b) The notice must advise the owner of the violation and comply with the requirements of V.T.C.A., Local Government Code § 54.005.
- (c) If the owner fails to abate the violation within the period stated in the notice or within any additional time as the administrator may grant, the administrator may, without further notice, enter upon the property and abate the violation. The owner is liable for the costs incurred by the city to secure the premises and to abate the violation, including any administrative expenses, materials, and labor.

( Ord. No. 1694, § 1(22-488), 8-23-2022)

**Sec. 22-529. Notice of costs incurred by city; lien.**

- (a) The administrator shall mail a notice to the owner and lienholder of the property upon which the nuisance has been abated of the costs incurred or expended by the city to abate the nuisance.
- (b) The notice must advise the owner and lienholder that the city proposes to assess its costs against the property and place a lien on the property to collect the costs incurred by the city.
- (c) The administrator shall file a lien against the property for the city's costs.
- (d) Any lien filed pursuant to this section shall be security for the expenditures made.

( Ord. No. 1694, § 1(22-489), 8-23-2022)

**Sec. 22-530. Enforcement authority.**

The administrator is authorized to enforce the provisions of this chapter and to make all necessary inspections, to issue citations, to give notice, to file applicable charges and to otherwise cooperate in the enforcement of this article, pursuant to section 1-16 or the City of Bay City Code of Ordinances.

( Ord. No. 1694, § 1(22-490), 8-23-2022)

**Article XII – Signs**

**Sec. 22-531. Definitions**

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

A-frame sign. A temporary, freestanding sign, consisting of two message panels attached by a hinge or similar device along their top edge, which is placed on the ground with the base of each panel separated by a

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sufficient distance to allow the sign to stand upright without other support. For the purposes of this definition, A-frame signs include single message panels that are mounted on a wood or metal base which provides the stability and support necessary for the sign to stand upright without attachment to a structure.

Abandoned sign means a sign that has not been used for advertising for 180 days to identify or advertise a bona fide business, lessor, service, owner, product, or activity; and/or for which no legal owner can be found. A sign will not be considered abandoned if it is on property that is for sale or lease and the sign is in good condition with a solid-colored face and any obsolete advertising removed.

Advertise means promoting, identifying, or calling attention to a business, product, service, or activity, through use of words, symbols, figures, or similar means.

Area means the projected area of the face of the sign and any border, frame, or support attached to the edges. For figuring maximum area, only one side of a double-sided sign will be used.

Banner sign means any temporary sign other than a pennant, which is made from a lightweight material.

Billboard means a sign, which directs attention to a business, product, service, or activity that is not offered, sold, or conducted on the same lot upon which the sign is displayed. (See also off-premises sign.)

Building code means the nationally recognized standards adopted by the city to regulate building within the city and its extraterritorial jurisdiction.

Building frontage means the length of an exterior building wall or structure of a single premises oriented to the public way or other properties it faces.

Building site means a lot or parcel of land in a single or joint ownership and occupied or to be occupied by a building or buildings, together with such open spaces as a required by the terms of this title and having its frontage on a public street, road, highway, or permanent means of access by way of city-approved public accessway or thoroughfare for vehicular or pedestrian travel.

Canopy sign means any sign that is attached or is part of an awning, canopy or other fabric, plastic or structural protective covering over a door, window or outdoor service area.

Construction sign means a sign placed by a company participating in the construction or financing on the property on which the sign is placed.

Directional sign means an on-premises sign giving directions, instructions, or facility information, such as parking or exit and entrance signs.

Easement means a strip of land granted by the property owner for use by the general public, utility companies, or private individuals.

Effective area/face means the area of the sign, which contains the advertisement, excluding any framing, trim or supporting structure.

Electrical sign means a sign or sign structure that incorporates electrical wiring, connections, lights or fixtures.

Electronic messaging sign means a sign that is fixed or stationary in which the wording, symbols or figures change automatically designed to convey information or attract attention. This type of sign may be considered a billboard if 50 percent of the messages relate to off-premises activities.

Erect means to build, construct, assemble, emplace, affix or any other way to bring into being or establish.

Face means the entire advertising area of a sign excluding framing, trim, or supporting structure.

Financing sign means a sign identifying a financial institution participating in the development of the property on which it is located.

Flag means a type of wind device that is specifically designed for display by attaching it to the lanyard of a flagpole.

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Flagpole means a freestanding pole with an attached lanyard that is permanently affixed to the ground or a building and is designed for and is intended to be for the display of one or more flags.

Freestanding sign means any sign that is self-supporting as a result of being permanently affixed to the ground. This type of sign shall not be attached to any building or other structure.

Glare means an effect created when an illumination source shines with sufficient brightness to cause discomfort, distract attention, or lead to the reduction or loss of visibility or visual function of the public.

Governmental sign means any sign erected, placed or constructed by any federal, state or local governmental agency.

Ground sign means a sign in which the bottom of the face is no more than one foot above the ground.

Height means the vertical distance measured between the tallest part of the sign or its structure which ever is taller and the average ground level beneath the sign.

Monument sign means a freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick, and is not supported by a pole or poles.

Multifaced sign means a sign with three or more faces.

Off-premises sign means an outdoor sign displaying advertising that pertains to certain entities or activities not principally located on the premises on which the sign is located. (See also billboard.)

On-premises sign means a sign that advertises a business, product, services or activity offered, sold or conducted on the premises on which it is located.

Pennant sign means any piece or series of similar pieces of lightweight plastic, fabric, or other material, whether or not containing a message of any kind attached to a structure, rope, wire, or string, designed to move in the wind and attract attention to a business, product, service, or activity.

Portable marquee sign means any sign not permanently affixed to the ground or building where the message is typically manually changed with individual lettering.

Portable sign means any sign that is not permanently affixed to the ground or to a building, which is designed to permit removal and reuse.

Premises means:

- (1) For any developed property, the area of real property, which encompasses all the buildings, structures, appurtenances and contiguous land devoted to a common use and not separated by a public street, such as a shopping center or mall.
- (2) For undeveloped property, the area of real property designated as a lot on a plat approved in accordance with law and filed with the county clerk's office, or an unplatted tract of land as conveyed by deed of operation of the law and recorded in the county records as a deed.

Projecting sign means a sign that is attached to a building wall or other structure that runs perpendicular to the wall or structure to which it is attached.

Realty sign means a temporary sign used to advertise a real estate development site or to advertise that real estate is for sale, rent or lease.

Right-of-way means the land opened, reserved, or dedicated for a street or roadway, sidewalk, drainage area, railroad or other public purpose.

Roof sign means any sign affixed to the roof of a building.

Setback means the horizontal distance from the property line to the closest part of the sign.

Sign means any object, device, display, or part thereof, visible from a public street, which is used to advertise a business, product, service, or activity.

Temporary means any sign that is not permanently affixed to the ground or a building and is not to exceed the time frames as stated in this chapter.

Wall sign means any sign affixed flat against and parallel to a building wall.

Wind sign means any flag, banner, pennant, streamer, balloon or similar sign made of cloth, canvas, plastic or other flexible material, with or without a frame or supporting structure, that moves or is designed or intended to blow in the wind.

Window/door sign means any lettering be it painted or adhesively affixed to a door or window.

**Sec. 22-532 – Applicability**

- (1) This section shall apply to all signs located within the corporate city limits and extraterritorial jurisdiction, except as provided in subsection (2) of this section.
- (2) Any sign that already exists and is in good repair shall be allowed to remain as long as it remains in good repair. If any existing sign should fall into disrepair to the point of being a danger to the safety of the property owner or the general public, the sign shall be removed or made to come into compliance with the provisions of this chapter. Should a property owner want to replace an existing sign, the new sign shall be in compliance with the provisions of this chapter.

**Sec. 22-533 – Administration.**

The administration of this chapter shall be by the building official, or his designee, except that the removal of signs may be by other duly authorized persons.

**Sec. 22-534 - Fees.**

Fees under this chapter are established in Appendix B to this Code.

**Sec. 22-535 - Existing signs.**

All existing signs in good repair, excluding abandoned signs, will be allowed to remain until such a time that they become unsafe, the business closes or has to be replaced for whatever reason.

**Sec. 22-536 – Sign Maintenance.**

All signs, including those painted on the walls of buildings, shall be permanently maintained in a safe, presentable condition. All signs shall be kept in good repair and, unless of galvanized or noncorroding metal or plastic, or treated with appropriate wood preservative, shall be thoroughly painted as often as is necessary consistent with good maintenance. All braces, bolts, clips, supporting frames, and fastenings shall be free from deterioration, termite infestation, rot or loosening. Additionally, all property surrounding the sign shall be kept in a neat and orderly condition.

**Sec. 22-537 – Permits.**

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- (1) Required. All signs shall require a sign permit separate from the building permit. It is an offense for any person to erect, construct, install, place, relocate, maintain or alter, within the city, any sign for which a sign permit is required without first obtaining a sign permit and paying the necessary fees. A sign permit is not required for repair, repainting, or maintenance that does not entail structural or electrical change.
- (2) Application. All applications for permits shall be accompanied by a plan or plans drawn to scale which shall include the following:
  - a. The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached.
  - b. The dimensions of the sign's supporting members.
  - c. The maximum and minimum height of the sign.
  - d. The proposed location of the sign in relation to the face of the building in front of which or above which it is to be erected.
  - e. The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated.
  - f. The location of all electrical transmission lines within 30 feet of any part of such proposed sign structure.
- (3) Criteria. The following will be needed to obtain a permit:
  - a. One hard copy and one digital set of plans approved by a professional engineer registered in the state.
  - b. The sign must be rated to meet the wind code, as adopted in Sec. 22-50.
  - c. Completed application; and
  - d. Contractor registration and/or state licenses, as applicable.
- (4) Issuance. Upon the filing of an application for a permit, the plans, specifications, and other data shall be examined by the building official. If it appears that such proposed sign is in compliance with the requirements of this section and section 66-1 and other laws of the city, the building official shall issue the permit.
- (5) Inspections required. All signs require inspection by the city prior to covering electrical work, if applicable, and at the completion of sign construction. Contractor is responsible for providing the city with a copy of the WPI-8 following the windstorm inspection by a windstorm inspector.

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**Sec. 22-538 – Requirements Generally.**

- (1) No sign, sign structure or sign support shall be placed nearer to the property line than ten feet and shall not be upon or project over any public property, right-of-way, easement or abutting property.
- (2) No sign shall be erected, constructed, or maintained as to obstruct any means of egress, or any opening necessary for required light, ventilation or firefighting or escape from the premises, or as to prevent free passage from of the roof to any other part thereof.
- (3) No sign shall be attached to any exterior stairway, fire escape, firewall or balcony serving as a horizontal exit.
- (4) No sign will obstruct the use of any window above the first story that is a required means of egress to a fire escape.
- (5) All signs shall be constructed and erected as to prevent the accumulation of rainwater in the sign.
- (6) The ground under and adjacent shall be kept free of weeds, high grasses, and trash.

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- (7) Should more than one sign-related definition apply to a proposed sign the owner may choose the definition that is to apply; however, all the regulations for that type of sign shall be met without exception. If one of the definitions is a prohibited sign it shall remain a prohibited sign.
- (8) All signs constructed, or erected shall comply with the building code that is in effect at the time of the application for a permit.
- (9) All sign plans shall have affixed to it a professional engineer's seal; however, an exception exists for flags, banners and pennants, which do not require a professional engineer's seal.
- (10) All signs shall match the color scheme of the business which they are advertising. For example, if the building is brick then the sign shall be constructed of the same type of brick, or if the building is constructed of other materials and painted the sign shall match the building's paint color.
- (11) All signs shall identify individual business, residential, and public use without creating confusion, unsightliness, or visual obscurity.

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**Sec. 22-539 – Prohibited Signs.**

- (1) Signs containing statements, words, or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency.
- (2) Signs with flashing, blinking or traveling lights which are located within 100 feet of any street right-of-way or 1,000 feet of any intersection, except for time, temperature and electronic messaging signs;
- (3) Signs that imitate an official sign or signal or that contain the words "stop," "go slow," "caution," "danger," "warning," or similar words.
- (4) Signs placed in the public right-of-way; (i) exception - A-frame signs;
- (5) Signs that are of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic-control device, or would hide from view any traffic street signs or signal or that obstruct the view in any direction of a person attempting to use a public street, road, or public right-of-way or attempting to use a street or road intersection.
- (6) Signs upon trees, rocks, bridges, street sign poles, or utility poles, or signs utilizing such objects for all or part of their support;
- (7) Off-premises signs, unless otherwise authorized by this chapter;
- (8) Portable marquee signs;
- (9) Billboards;
- (10) Any off-premises sign that is painted, or attached to any fence, railing or wall that is not a structural part of a building except for signs that are commonly associated with safeguarding the use of the occupancy, such as "no trespassing" and "beware of dog" signs;
- (11) Projecting signs;
- (12) Roof signs;
- (13) Signs made of cardboard; and
- (14) Abandoned signs.

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**Sec. 22-540 - On-premises signs.**

- (a) Freestanding signs shall be subject to the following:

- (1) Only one freestanding sign will be allowed on each lot that front only one public street. For lots fronting more than one public street a freestanding sign will be allowed for each street.
  - (2) The maximum allowable effective area for freestanding signs will be 60 square feet.
  - (3) Multifaced signs shall have a maximum effective area of 180 square feet.
  - (4) The maximum allowable height shall not exceed 30 feet on State Highway 35, and 20 feet elsewhere within the city limits.
  - (5) Such signs may not rotate.
  - (6) Such signs shall meet the setback requirements of section Sec. 22-538(1).
  - (b) Wall signs shall be subject to the following:
    - (1) Such signs shall not project from the wall more than two feet.
    - (2) The maximum area of such signs shall not exceed 30 percent of the area of the wall on which it is mounted. In multi-tenant buildings on the same lot the wall sign area shall not exceed 30 percent of the tenants wall area on which the sign is to be mounted.
  - (c) Canopy signs shall be subject to the following:
    - (1) Such signs shall not extend beyond any edge of the canopy.
    - (2) One sign may be hung under the canopy providing that it is no closer to the ground than eight feet. In buildings with multi-tenant buildings each tenant may have one canopy sign.
  - (d) Electronic message signs.
    - (1) Electronic message signs shall:
      - a. Contain a static message that may only be monochrome, variable shades, or full color;
      - b. Contain a default design that will freeze the sign in one position with no more illumination than 0.3 footcandles above ambient light if a malfunction occurs;
      - c. Display messages for a period of not less than eight seconds and the change sequence must be accomplished within an interval of two seconds or less;
      - d. Not include animation, video, audio, pyrotechnic, or clue Castin components.
    - (2) Such signs shall be on the same support structure as a freestanding sign. The maximum size shall be no larger than 60 square feet.
  - (e) Directional signs shall conform to the following:
    - (1) Such signs shall have a height no greater than three feet and a width no greater than three feet.
    - (2) Such signs may be placed no closer than one foot to the property line.
- (Ord. No. G-5-05, § 6, 6-27-2005; Ord. No. G-2-23, § 1(Exh. A), 6-12-2023)

**Sec. 22-541 – Partially exempted signs.**

The following signs are exempted from permit procedures and may be installed and maintained in compliance with all other city ordinances and within the limitations set forth below:

- (a) Public Signs. Noncommercial signs erected by or at the direction of a public officer in furtherance of the public interest or in the performance of his duty.
- (b) Real estate sign. Nonilluminated sign, not exceeding six square feet in an area per face, pertaining to the sale or lease of a premise. If located on a property for sale or lease, the sign may remain on the

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premises until the new owner or renter takes possession of the property. If on a site being developed, it shall be located on the premises no more than 30 days prior to the start of construction and removed no later than 15 days after construction is complete.

- (c) Contractor's sign. Nonilluminated, advertising the development or improvement of a property by a builder, contractor, or other person furnishing service, material, or labor to said premises during the period of construction. Such signs shall be located on the premise no more than 30 days prior to the start of construction and removed no later than 15 days after construction is completed. Signs that have an area of 32 square feet or more must be constructed and tied down to meet the wind code. Signs that have less square footage may sit on the ground and be held in place by sandbags. One construction sign may be used on a lot; corner lots are allowed one sign per street.
- (d) Temporary signs. Temporary signs announcing any public, charitable, educational, or religious event or function may be installed for a period of not more than 21 days prior to the event and not more than seven days after the event, with a total sign area of not more than 32 square feet to all sign faces.
- (e) Integral signs. Names of buildings, dates of erection, monumental citations and commemorative tablets that are carved into stone, concrete, or similar permanent materials and constructed as an integral part of the structure.
- (f) Name plates. One non-illuminated sign per entrance per business attached to the building and not exceeding two square feet of area per face with the wording limited to name and occupation.
- (g) Private signs. Signs not visible beyond the boundaries of the lot or series of contiguous lots under the same ownership on which they are located and which are not visible from any public right-of-way.
- (h) Traffic signs. Traffic and other official signs and devices installed by governmental agency
- (i) On-site traffic zones. On-site traffic directional signs that do not carry any commercial message or identification.
- (j) Garage sales signs. One garage sale sign not exceeding six square feet of sign area for all sign faces which is installed on a lot or a series of contiguous lots under the same ownership on which the garage sale is located, which is installed not more than seven days prior to the garage sale and which is removed not more than two days after the garage sale.
- (k) Flag emblems. An insignia of any governmental body, charitable organization, and/or decorative display for holidays or public demonstrations that do not contain advertising and are not used as such, including non-commercial flags and banners. This provision shall not authorize the hanging of any banner on or across any public street or city-owned property without the consent of the mayor or the mayor's designee. Any applicant who is denied a permit may appeal to city council.
- (l) Political signs. Signs that would refer to a particular issue or candidate relating to a particular public election. Such signs may be erected for not more than 90 days, and must be removed by the property owner, political candidate, or sponsoring political action committee not more than ten days after the election for which they relate. If such signs are not removed within the above time period, then the owner of the property upon which the signs are located, the person erecting or placing the sign, and the candidate sponsored shall be jointly and severally liable and responsible under the penalty provisions of the ordinance from which this requirement derived. Such signs shall not be placed in public rights-of-way except at polling places; and, shall not be restricted on private real property except as permitted by V.T.C.A., Local Government Code § 216.903.
- (m) Shingle sign. A shingle sign over a show window or door of a store or business establishment announcing without display or elaboration only the name of the proprietor and nature of the business.
- (n) Banners, flags, pennants, and inflatables shall conform to the following:
- (1) Such signs shall be allowed for each calendar year.
  - (2) Such signs shall not be torn, tattered, ripped or faded.

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(3) Such signs hung inside a place of business shall not constitute a sign and will not require a permit.

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(4) Such signs and inflatables shall not encroach any public right-of-way, shall not create a sight obstruction for vehicular or pedestrian traffic and shall not be attached to any public or franchised utility pole, support wire or tree.

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(5) One banner sign and one inflatable may be used per place of business.

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(6) One pennant sign may be permitted each 25 feet per lot frontage.

Example: A lot front up to 49 feet may place one pennant sign; a 50-foot lot front may place two pennant signs, a 75-foot lot front may place three signs, etc.

(o) A-frame signs shall conform to the following:

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(1) Establishments with a main customer entrance directly facing a public street or sidewalk may place an a-frame type sign on the public sidewalk in front of the establishment. The sign shall not obstruct traffic control signs or devices. Signs may not impede or hinder the vision of drivers or bicyclists. Signs may not obstruct pedestrian or ADA traffic.

(2) An approved A-frame sign shall only be placed within the working business hours of the business for which the sign is identifying.

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**Sec. 22-542 – Abandoned signs.**

An abandoned sign depicts or refers to a product, business, service, activity, condition or person that has changed in such a fashion that the sign no longer correctly identifies or describes him or it, that no longer exists at the location referred to in the sign, or that no longer exists in any way or at any place.

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(a) Abandoned building signs shall be removed or painted out within 90 days of the cessation of such business or sale of such product by the owner, agent or person having the beneficial interest in the building or premises on which such sign is located.

(b) Abandoned freestanding signs shall be removed in accordance with the following provisions:

(1) Signs faces shall be removed within 90 days of abandonment. The building official may grant one extension of up to 90 days upon a showing of good cause.

(2) Sign supports shall be removed within 180 days of the abandonment. The building inspector may grant one extension of up to 90 days upon showing of a good cause.

**Sec. 22-543 – Non-conforming signs.**

(a) Signs which do not conform to this article, but which lawfully existed and were maintained on the effective date of December 31, 2011, shall, within three years after the effective date be removed or made to conform; provided however, mobile portable signs and any other temporary signs shall be removed or made to conform within 180 days after the effective date of December 31, 2011.

(b) During the interim period, such nonconforming signs shall be kept in good repair and visual appearance and no structural alterations shall be made thereto. In the event that more than 50 percent of a nonconforming sign is damaged, the sign shall be replaced with a conforming sign rather than repairing the damage.

(c) Nonconforming signs advertising a business which has been vacated 60 days shall be removed or made to conform.

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- (d) Variations. A relaxation of the terms of the ordinance from which this requirement derived may be permitted where such variance will not be contrary to the public interest, health and welfare, and where, because of conditions peculiar to the property and as the result of the actions of the applicant, a literal enforcement of the ordinance from which this requirement derived would result in unnecessary and undue hardship. A variance is authorized under this section only for height, sign area, and length of time allowed to remove or conform a nonconforming sign Request for variance shall be pursuant to the procedures outlined in section 2-267.
- (e) Required conformity to existing ordinances. Nothing contained herein grants or allows an existing sign presently in violation of the City of Bay City Code of Ordinances or the standard building code, a nonconforming use status. Any existing violation must be remedied without regard to the nonconforming time exemption contained herein.
- (f) Nothing contained herein shall prevent the building official from ordering the removal of any sign which is deemed to be dangerous to the sign owner, or the public, or which places the public's health, safety or welfare at risk.

#### **Sec. 22-545 - Violations.**

- (a) Any person convicted of a violation of any provision of this chapter shall be fined in an amount as established in section 1-16 of this Code. Each day of violation under this chapter shall be a separate violation.
- (b) Additionally, the building official or designated representative shall have the authority, and the duty, to immediately seize, remove or cause to be removed and impounded any sign, poster, handbill, banner, streamer or other outdoor advertising sign erected, placed, altered, maintained or neglected in violation of this chapter, if the same is located on, in or above any public street or sidewalk area, or other public property.
- (c) The cost of any such removal or impoundment shall be chargeable to the persons, jointly and severally, who were responsible for or who caused the erection or placement of the offending sign or advertising, and their sureties, if any, unless the offense was one of neglect of maintenance, in which case such cost shall be chargeable to the owner of the sign or the owner of the property upon which the sign is located.
- (d) Any item impounded by the authority of this section shall be held for a period of 30 days and then disposed of in any manner designated by the building inspector or designee. During the 30 days, the owner of the item upon proof of same may reclaim such item at the place of storage by paying to the city the actual cost of removal and impounding. This charge shall in any event be not less than \$25.00 per sign.

**Section 3. Payment of Fees.** All persons, firms, or corporations applying for licenses or permits or receiving other City services described herein that require the payment of a fee incident to such application or service shall pay the fees as prescribed herein. It shall be a violation of this Ordinance to conduct any activity or commence any use or receive any service for which payment of a fee described herein is required until such fee has been paid (if required to be paid in advance) or to fail to pay such fee when properly billed.

**Section 4. Cumulative.** This Ordinance shall be cumulative of all fee provisions of the Code of Ordinances of the City of Bay City, Texas as to the fees set forth herein on the effective date of this Ordinance, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

**Section 5. Amending Fees.** The City Council may, from time to time, by adopting new ordinances, add to the fees set forth herein. and the fees now or hereafter set forth may be modified from time to time by order of the City Council.

**Section 6. Severability.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are 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, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**Section 7. Remedies.** All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the Code of Ordinances in effect on the effective date of this Ordinance and modified by this Ordinance or any other ordinances in effect on the effective date of this Ordinance and modified by this Ordinance and requiring the payment of fees for license,s permits, and other services provided by the City which have accrued on the effective date of this Ordinance; and any and all accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this Ordinance but may be prosecuted until disposition by the courts.

**Section 8. Effective Date.** This Ordinance shall be in full force and effect on \_\_\_\_\_, \_\_\_\_\_.

PASSED AND APPROVED ON this \_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Robert K. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Jeanna Thompson, City Secretary

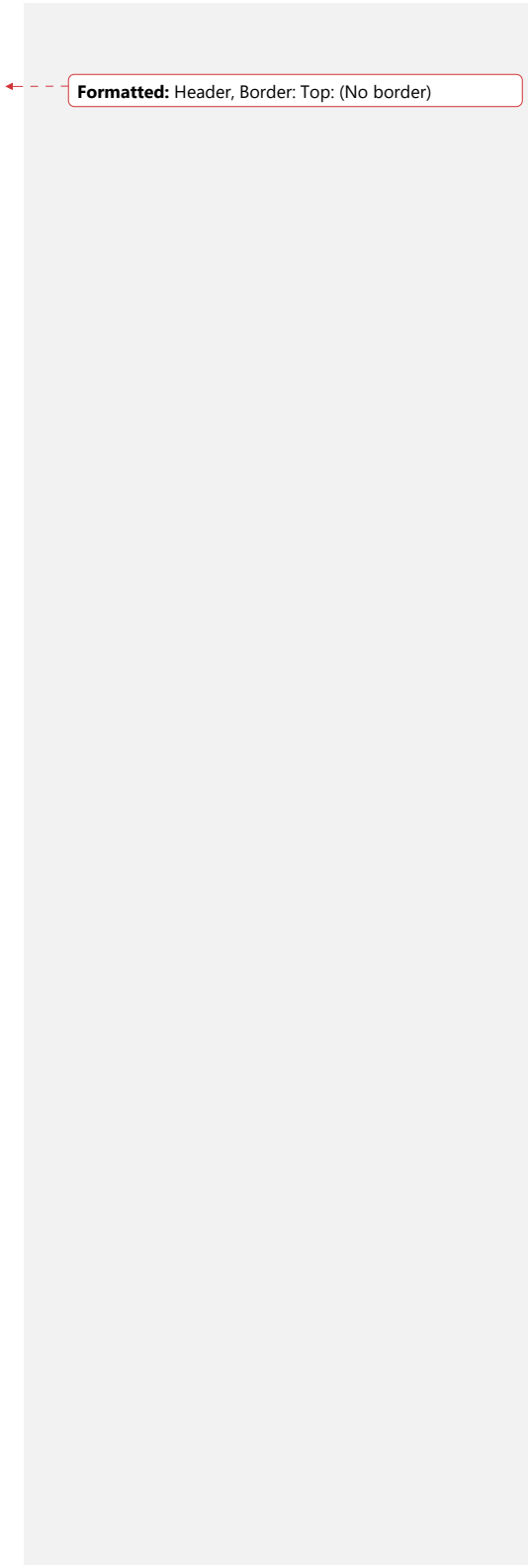
APPROVED AS TO FORM:

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Anne Marie Odefey, City Attorney

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<u>Council Member:</u>	<u>Voted Aye</u>	<u>Voted No</u>	<u>Absent</u>
Brad Westmoreland	_____	_____	_____
Blayne Finlay	_____	_____	_____
Benjamin Flores	_____	_____	_____
Becca Sitz Mayor Pro-Tem	_____	_____	_____
Jim Folse	_____	_____	_____

\_\_\_\_\_  
Robert K. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Jeanna Thompson, City Secretary

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
Anne Marie Odefey, City Attorney