

ORDINANCE 12-005

AN ORDINANCE OF THE CITY OF SOMERVILLE, TEXAS, ADOPTING THE 2009 EDITION OF THE INTERNATIONAL BUILDING CODE; ADOPTING THE 2009 INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO- FAMILY DWELLINGS; ADOPTING THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTING THE INTERNATIONAL EXISTING BUILDINGS CODE; REPEALING ORDINANCES 05-010, 07-008, 07-010, AND 07-011; AMENDING ALL PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Note: This contains the only the text of the ordinance. Copies of the complete ordinance may be obtained at city hall.

Whereas, the public health, safety and welfare, require the adoption and enforcement of codes governing the issuance of permits for, inspection of, and completion of construction, alteration, additions, change of occupancy, relocation, demolition or restoration of new, existing or historic structures, and for building systems for structures within the City of Somerville, Texas; and

Whereas, the public health, safety and welfare will be served by updating certain codes heretofore adopted by the City;

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Adoption of Building Codes. The following building codes are hereby adopted.

A. BUILDING CODES ADOPTED

(1) International Building Code (IBC) Adopted

(a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Building Code," 2009 edition, including Appendix Chapters E, F, G, I and K, published by the International Code Council, is hereby adopted as the building code of the city, establishing the minimum

regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and each and all of the regulations, provisions, conditions and terms of such "International Building Code," 2009 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

(b) *Amendments.* The International Building Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Somerville, Texas

161.3.1 The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Somerville, Texas" as adopted and amended from time to time with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

3409.2 Structures existing prior to May 8, 2012, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section, the provisions of Sections 3402 through 3406, or the International Existing Building Code.

(2) International Residential Code Adopted

(a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Residential Code for One- and Two-Family Dwellings," 2009 edition, including Appendix Chapters A, B, E, G, H, J, P and Q, published by the International Code Council, is hereby adopted as the residential building code of the city regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses in the City; providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, conditions and terms of such "International Residential Code for One- and Two-Family Dwellings," 2009 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

(b) *Amendments.* The International Residential Code for One- and Two-Family Dwellings is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Somerville, Texas

Table R301.2(1) Climatic and Geographic Design Criteria

Roof Snow Load	5 PSF
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Wind Speed	90 MPH
Seismic Design Category	R301.2.2.1, IRC 2009
Weathering	Moderate
Frost line depth	12"
Termite	Moderate to Heavy
Decay	Slight to Moderate
Winter Design Temp.	28°F
Flood Hazards	Current FEMA Ordinance, as adopted by the City of Somerville

Section R313.2 This section shall be deleted in its entirety, including the Exception.

Section R112.3 Qualifications. This section shall be deleted, and the requirements the ordinance governing the Board of Adjustments and Appeals, shall govern.

Section P2603.6.1 Insert the number 12 in each of the blanks provided.

(3) International Property Maintenance Code Adopted

(a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Property Maintenance Code," 2009 edition, published by the International Code Council, is hereby adopted as the property maintenance code of the city for the control of building and structures as provided; and each and all of the regulations, provisions, conditions and terms of such "International Property Maintenance Code," 2009 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

(b) *Amendments.* The International Property Maintenance Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Somerville, Texas

Section 103.1 This code shall be enforced by the Code Enforcement Authority. The Code Enforcement Authority is the person or persons designated by the City Administrator for purposes of making inspections, sending notices, and otherwise enforcing the provisions of this Code. Each reference to the Code Official hereafter shall mean the Code Enforcement Authority

- Section 103.5. Fees as adopted by the City Council
- Section 107 The notice and order procedures set forth in Section 107 shall not apply to notices required to be given in the course of the process to abate dangerous buildings, as set forth in the City's dangerous building ordinance or nuisance violations as set forth in the City's nuisance ordinance.
- Section 108 and 110 Sections 108, 110 and 111 are revised to the extent of any conflict with dangerous buildings ordinance, board ordinance, nuisance abatement ordinance, and Chapter 214, Tex. Local Gov't Code, as amended from time to time. Sections 108.2, 108.3, 108.4, and 108.5 are hereby deleted.
- Section 301.3 Section 301.3, Vacant Structures and Land, shall be amended to add subsections a through g to read as follows:
- 301.3a All exterior doors and windows shall be kept in sound working condition and free of broken glass.
- 301.3b All exterior doors shall be equipped with a workable lock or locking device and shall be kept securely locked during the period of time said building is vacant.
- 301.3c All windows shall be secured by a latch or lock or other means so as to prevent easy entry into said structure by children or vagrants or other unauthorized persons.
- 301.3d All exterior walls and roofs shall be kept in good repair free of cracks and holes, defective materials, and structural deterioration to keep such building from becoming a breeding place for rodents, insects, and roaches.
- 301.3e The exterior of said building or structure and the premises thereon shall be kept free of any accumulation of paper, hay, moss, or other combustible or flammable rubbish or waste material that has gathered in sufficient quantities to constitute

a danger to said building or to any other building or premises in case such waste is ignited.

301.3f The exterior of the premises shall be kept free of any accumulation of trash, garbage, rubbish, or any waste material as to constitute an unsanitary condition.

301.3g Fences shall be maintained in good repair and gates, if present, shall be locked at all times. Keys or other means of access shall be provided to the fire department for such premises.

Section 301

Section 301, General shall be amended by the addition of subsection 301.4, Construction, to read as follows: Each contractor and property owner or occupant shall be responsible for maintaining a construction site so that building materials and debris will be contained within the property boundaries of the property upon which the construction is performed. Litter or other debris, including mud and dirt, that are deposited on any public or private premises, other than the property upon which the construction is being performed, due to normal construction, remodeling, or landscaping activities shall be promptly removed by the contractor and/or property owner or occupant.

Section 302.4

Twelve inches (12”) shall be inserted in the blanks provided.

Section 302.7

The following phrase shall be added to Section 302.7: “All accessory structures shall be protected from the elements by painting, staining or other waterproofing or surface treatments.

Section 302

Section 302, Exterior Property Areas shall be amended to add subsection 302.10, Fences, with subsections a through e, to read as follows:

302.10 FENCES.

302.10a. All fences shall be maintained in structurally sound condition and shall not visibly list or lean.

302.10b. All holes or damaged or missing boards or portions of fences shall be replaced with comparable materials, and the fence shall be kept free of deterioration.

302.10c. A fence that has deteriorated to the point that it is likely to fall shall be repaired, replaced, or removed.

302.10d. Fences shall not be externally braced in lieu of repairing posts columns or other structural members.

302.10e. All damaged or missing parts of chain linked fences shall be repaired or replaced.

Section 304.14 The following phrase shall be inserted in the blank provided: "April 1 to November 1, unless functioning AC is provided.

Section 308 Section 308 shall be revised to the extent of any conflict with the nuisance abatement ordinance

Sections 602.3 and 602.4 "October 1 through April 1" shall be inserted in the blanks provided.

(4) International Existing Building Code (IEBC) Adopted

(a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Existing Building Code," 2009 edition, including all Appendix Chapters, published by the International Code Council, is hereby adopted as the Existing Building Code of the City of Somerville, for regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings as herein provided, and each and all of the regulations, provisions, conditions and terms of such "International Existing Building Code," 2009 edition, are hereby referred to, adopted and made a part of this section as if fully set out in this article.

(b) *Amendments.* The International Existing Building Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Somerville, Texas

1301.2 Applicability. Structures existing prior to May 8, 2012, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this ordinance or the provisions of Chapters 4 through 10 of the International Existing Building Code. The provisions of Sections 1201.2 through 1201.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Groups H or I.

(5) International Plumbing Code Adopted

(a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Plumbing Code," 2009 edition, including

Appendix Chapters D, E, and F, published by the International Code Council, is hereby adopted as the plumbing code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the city; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such "International Plumbing Code," 2009 edition, edition published by the International Code Council, on file in the office of the city secretary, are hereby referred to, adopted and made a part of this section as if fully set out in this article.

(b) Amendments. The International Plumbing Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Somerville, Texas

Section 106.6.2. Fees as adopted by the City Council

Sections 108.4 and 108.5 See section 4 of this ordinance

Section 305.6.1. Sewer depth. 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 grades.

Section 904.1. Roof extension. All open vent pipes that extend through a roof shall be terminated at least 12 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 7 feet above the roof

(6) International Fuel Gas Code Adopted

(a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Fuel Gas Code," 2009 edition including all appendix chapters, published by the International Code Council, is hereby adopted as the fuel gas code of the city for the control of building and structures as provided; and each and all of the regulations, provisions, conditions and terms of such "International Fuel Gas Code," 2009 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

(b) Amendments. The International Fuel Gas Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Somerville, Texas

Section 106.6. Fees adopted by the City Council

Section 108.4 and 108.5 See Section 4 of this ordinance

(7) International Energy Conservation Code Adopted

(a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Energy Conservation Code," 2009 edition, published by the International Code Council, is hereby adopted as the energy conservation code of the city for the regulation and governance of energy efficient building envelopes and the installation of energy efficient mechanical, lighting and power systems as provided; and each and all of the regulations, provisions, conditions and terms of such "International Energy Conservation Code," 2009 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

(b) Amendments. The International Energy Conservation Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Somerville, Texas

Section 108.4 Refer to section 4 of this ordinance

(8) International Mechanical Code Adopted

(a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Mechanical Code," , including appendix B, 2009 edition, published by the International Code Council, is hereby adopted as the mechanical code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances in the city; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such "International Mechanical Code," 2009 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

(b) Amendments. The International Mechanical Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Somerville, Texas

Section 107.2. Fees adopted by the City Council

Sections 108.4 and 108.5 See Section 4 of this ordinance.

(9) National Electrical Code Adopted.

(a) There is hereby adopted by the City for the purpose of establishing rules and regulations for the construction, alteration, removal and maintenance of electric wiring and apparatus, including permits and penalties, that certain electrical code known as the National Electrical Code of the National Fire Protection Association, being particularly the 2008 edition of the National Electrical Code and the whole thereof, save and except such portions as are hereafter deleted, modified or amended, of which no less than one copy has been and now is filed in the office of the City Secretary. Such code is hereby adopted and incorporated as fully as if set out at length in this section, and the provisions of such code shall be controlling in the construction, alteration, maintenance or removal of all electric wiring and apparatus within the corporate limits of the City.

(b) Amendments. The National Electrical Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Somerville, Texas

Section 404.2. Fees adopted by the City Council

Section 3. Permits and Inspections.

A. PERMITS AND INSPECTIONS REQUIRED.

(1) No building or structure or part thereof shall be hereafter constructed, erected, altered, demolished, moved, or placed within the City of Somerville unless all appropriate permits to comply with this ordinance and the Building Codes referred to herein shall have first been issued for such work. No permit shall be issued by the City for connection to the City's water and wastewater services or the installation of a private sewage facility upon any lot in a subdivision or conforming plat for which a final plat has not been approved by the City of Somerville, Texas and filed for record, or upon any lot in a subdivision in which the standards contained in the City's Subdivision Ordinance, as amended, or referred to therein have not been complied with in full. No site clearance, excavation, grading, or land fill on public or private land shall commence unless all applicable permits shall have first been issued for such work.

(2) Any owner may make minor improvements and ordinary repairs on any structure without a permit, as described in the codes adopted herein, provided that such improvements and repairs conform to all applicable building laws and codes. The Building Official shall have the right to inspect all such improvements or repairs and determine whether a permit is necessary.

(3) Fees for permits and inspections shall be as set forth in the fee schedule set forth in Appendix A attached hereto and incorporated herein for all purposes.

Section 4. Penalty. Penalty provisions in the referenced codes shall be subordinate to this ordinance and state law.

A. PENALTY; STOP ORDERS.

- (1) Any person who shall violate any of the provisions of this Chapter or the technical codes adopted herein, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed \$500.000, provided that violations of any regulations adopted herein governing fire safety or public health and sanitation, including dumping of refuse, may be punishable by a fine not to exceed \$2,000. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.
- (2) Whenever any building work is being done contrary to the provisions of this Chapter, another controlling ordinance or statute governing the building, the Building Official or Code Enforcement Authority designated by the City Manager may order the work stopped by notice verbally or in writing served on any persons engaged in the doing of or causing such work to be done and the City shall post a STOP WORK ORDER on the property adjacent to the posted building permit, and any such persons shall forthwith stop such work until authorized by the Building Official or Code Enforcement Authority to proceed with the work. If no permit has been issued, all work shall stop until a permit has been properly issued and all errors corrected to the satisfaction of the Building Official or Code Enforcement Authority. The Building Official or Code Enforcement Authority may also issue a work correction order, which shall be served upon any persons who are working on a certain aspect of the construction project. The work on other aspects of the construction not in violation of the City's ordinances may proceed, but work shall cease as to that aspect in violation of the City's ordinances.