

Art. ~~XIV~~<sup>V</sup> Signs and Billboards

## §§ 10-130

## ARTICLE I. - ADMINISTRATION AND GENERAL

Sec. 10-1. - Title of chapter; designation of *Building Official*.

- (a) This chapter is the *Building-related codes*. Unless otherwise indicated by its use and context, the term "this chapter" refers to this chapter 10 including all provisions incorporated by reference in this chapter.
- (b) The *Building Official* shall be known as the director of development services, and such term shall include his authorized representatives. Further, whenever the term or title "administrative authority," "code official," "authority having jurisdiction," "responsible official," "*Building Official*," "director" or other similar designation is used in any of the codes adopted by this chapter, it shall be construed as the director of development services, or his designee and authorized representatives.

## Sec. 10-2. - Purpose and scope of chapter; referenced codes.

- (a) **Purpose.** This chapter shall be construed to secure its expressed intent, which is to provide minimum requirements to safeguard the public safety, health and general welfare, insofar as they are affected by building construction, through structural strength, adequate means of egress facilities, stability, sanitary equipment, light and ventilation, energy conservation, fire safety, and in general to promote safety to life and property from fire and other hazards incident to the construction, design, erection, installation, alteration, addition, removal, demolition, replacement, repair, location, relocation, moving, quality of materials or use and occupancy, maintenance and operation of building, structures or premises, and to provide safety to fire fighters and emergency responders during emergency operations.  
  
The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.
- (b) **Scope.** Article I of this chapter provides the administrative procedures to be followed by all persons engaged in the construction, design, erection, installation, alteration, addition, removal, demolition, replacement, location, relocation, land disturbance, moving, quality of materials, or use and occupancy, maintenance and operation of buildings, structures or premises, as regulated by this chapter. All references to any provisions in the administrative chapters of the referenced model codes are construed to be a reference to the provisions of article I unless otherwise noted.
- (c) **Referenced codes.** The other codes and standards listed in subsections (1) through (6) and referenced elsewhere in this chapter are considered part of the requirements of this chapter to the prescribed extent of each such reference. See article II through article XI of this chapter.
  - (1) **Building.** The provisions of the *International Building Code*, as amended in article III, apply to the construction, design, erection, installation, alteration, addition, removal, demolition, replacement, repair, location, relocation, land disturbance, moving, quality of materials, or use and occupancy of every building or structure or any appurtenances connected or attached to such buildings or structures.

**Exceptions:**

- a. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories above grade plane in height with a separate means of egress and their accessory structures not more than three (3) stories above grade plane in height shall comply with this code or the *International Residential Code*, as amended in article IV of this chapter.

- b. Existing buildings and structures undergoing repair, alteration, change of occupancy, addition and/or relocation of existing buildings shall be permitted to comply with the *International Existing Building Code*, as amended in article V of this chapter.
- (2) **Electrical.** The provisions of the *National Electrical Code*, as amended in article VI of this chapter, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.
- (3) **Mechanical.** The provisions of the *International Mechanical Code*, as amended in article VII of this chapter, shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.
- (4) **Gas.** The provisions of the *International Fuel Gas Code*, as amended in article VIII of this chapter, shall apply to the installation of fuel gas piping from point of delivery, fuel gas appliances, gaseous hydrogen systems and related accessories as covered in this Code. These requirements apply to fuel gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of gas appliances and related accessories. Piping system requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection and operation and maintenance.
- (5) **Plumbing.** The provisions of the *International Plumbing Code*, as amended in article IX of this chapter, shall apply to the installation, alteration, repair, relocation, addition to, use or maintenance and replacement of plumbing systems, including equipment, appliances, fixtures and fittings and appurtenances. The code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems.
- (6) **Energy.** The provisions of the *International Energy Conservation Code*, as amended in article X of this chapter, shall apply to all matters governing the design and construction of buildings for energy efficiency.
- (7) **Property Maintenance.** The provisions of the San Antonio 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.
- (8) **Fire Prevention.** The provisions of the *International Fire Code*, as amended in City Code chapter 11, 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.
- (9) **Existing Buildings.** The provisions of the *International Existing Building Code*, as amended in article V of this chapter, shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

### Sec. 10-3. - Applicability.

- (a) **General.** When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify different materials, methods of construction or other requirements, the most restrictive shall govern.
- (b) **Other laws.** The provisions of this chapter do not nullify any provisions of local, state or federal law.

- (c) **Application of references.** References to article or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such article or section or provision of this chapter.
- (d) **Referenced codes and standards.** The codes and standards referenced in this chapter shall be considered part of the requirements of this chapter to the prescribed extent of each such reference. Where differences occur between provisions of this chapter and referenced codes and standards, the provisions of this chapter shall apply.

**Exception:** Where enforcement of the code provisions would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

- (e) **Partial invalidity.** In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.
- (f) **Existing structures.** The legal occupancy of any structure existing on the date of adoption of this chapter shall be permitted to continue without change, except as specifically covered in this chapter, the ~~2018~~2021 San Antonio Property Maintenance Code or the *International Fire Code*, as amended.
  - (1) **Buildings not previously occupied.** A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the *International Building Code*, as amended, or *International Residential Code*, as applicable, for new construction or with any current permit for such occupancy.
  - (2) **Building previously occupied.** The legal occupancy of any building existing on the date of adoption of this chapter shall be permitted to continue without change, except as otherwise specifically provided in this chapter, the *International Fire code*, or the ~~2018~~2021 San Antonio Property Maintenance Code, or as deemed necessary by the *Building Official* for the general safety and welfare of the occupants and the public.

#### Sec. 10-4. - Department of development services.

- (a) **Enforcement agency.** The department of development services shall be the enforcement agency for the building-related codes, and the director thereof shall be known as the *Building Official* and as the code official.
- (b) **Appointment.** The *Building Official* shall be appointed by the city manager or the city manager's designee.

#### Sec. 10-5. - Duties and powers of *Building Official*.

- (a) **General.** The *Building Official* is authorized and directed to enforce the provisions of this chapter. The *Building Official* has the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in accordance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter. The *Building Official* shall have the power to suspend or revoke city issued certificates of license and registration for cause.
- (b) **Application and permits.** The *Building Official* shall receive applications, review construction documents and issue permits for the erection, repair, alteration, addition, demolition, change of occupancy and relocation of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this chapter.
- (c) **Preliminary meeting under article V.** When utilizing the *International Existing Building Code*, as amended in article V, and when requested by the permit applicant or the *Building Official*, the *Building Official* shall meet with the permit applicant prior to the application for a construction permit to discuss

plans for the proposed work or change of occupancy in order to establish the specific applicability of the provisions of this chapter.

**Exception:** Repairs and Level 1 alterations.

**Building evaluation.** The *Building Official* is authorized to require an existing building to be investigated and evaluated by a registered design professional based on the circumstances agreed upon at the preliminary meeting. The design professional shall notify the *Building Official* if any potential nonconformance with the provisions of this chapter is identified.

- (d) **Notices and orders.** The *Building Official* shall issue all necessary notices or orders to ensure compliance with the provisions with this chapter.
- (e) **Inspections.** The *Building Official* shall make all of the required inspections, or may accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and certified by a responsible officer of such approved agency or by the responsible individual. The *Building Official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
- (f) **Identification.** The *Building Official* shall carry proper identification when inspecting structures or premises in the performance of duties under this chapter.
- (g) **Impersonation prohibited.** A person shall not impersonate the *Building Official* or designees through the use of a uniform, identification card, badge or any other means. Any such impersonation shall be deemed a violation of this Code.
- (h) **Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this chapter, or where the *Building Official* has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this chapter which makes the structure or premises unsafe, dangerous or hazardous, the *Building Official* is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *Building Official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *Building Official* has recourse to the remedies provided by law to secure entry.
- (i) **Notice of defects.** The *Building Official* shall examine, or cause to be examined, every building or structure or portion thereof reported as dangerous or damaged. If such is found to be unsafe as defined in this section, the *Building Official* shall give to the owner of such building or structure written notice stating the defects thereof. This notice shall require the owner or person in charge of the building, structure or premise, within forty-eight (48) hours to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof. All such work shall be completed within thirty (30) days from the date of notice unless otherwise stipulated by the *Building Official*. Service of notice shall be by certified mail made upon the owner or his agent. The designated period within which said owner or agent is required to comply with the order of the *Building Official* shall begin as of the date he received such notice.
- (j) **Department records.** The *Building Official* shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records are retained in the official records for the period required for retention of public records.
- (k) **Liability.** The *Building Official*, members and alternate members of the building-related and fire codes board of appeals, or employees charged with enforcement of this chapter, while acting for the city in good faith and without malice in the discharge of the duties required by this chapter or other pertinent law or ordinance, are not civilly or criminally rendered liable personally and are relieved from personal liability for any damage accruing to persons or property as a result of any act, or by reason of an act or omission in the discharge of official duties. Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this chapter shall be defended by legal representative of the city until the

final termination of the proceedings. The *Building Official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this chapter.

- (l) **Approved materials and equipment.** Materials, equipment and devices approved by the *Building Official* shall be constructed and installed in accordance with such approval.
  - (1) **Appliance and fixture listing.** Appliances and fixtures shall be tested and listed in published reports by approved agencies and shall be installed in accordance with all instructions included as part of such listing.
  - (2) **Used materials and equipment.** The use of used materials which meet the requirements of this chapter for new materials is permitted. Used equipment and devices shall not be reused unless approved by the *Building Official*.
- (m) **Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this chapter, the *Building Official* has the authority to grant modifications for individual cases, upon application of the owner or owner's authorized representative, providing the *Building Official* first finds that special individual reason makes the strict letter of this chapter impractical, and the modification is in compliance with the intent and purpose of this chapter, and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of development services.
- (n) **Alternative materials, design and methods of construction and equipment.** The provisions of this chapter are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this chapter, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the *Building Official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this chapter, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the *Building Official* shall respond in writing, stating the reasons why the alternative was not approved.
  - (1) **Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this chapter, shall consist of valid research reports from approved sources.
  - (2) **Tests.** Whenever there is insufficient evidence of compliance with the provisions of this chapter, or evidence that a material or method does not conform to the requirements of this chapter, or in order to substantiate claims for alternative materials or methods, the *Building Official* has the authority to require tests as evidence of compliance to be made at no expense to the city. Test methods shall be as specified in this chapter or by other recognized test standards. In the absence of recognized and accepted test methods, the *Building Official* shall approve the testing procedures. Testing shall be performed by an approved agency. Reports of such tests shall be retained by the *Building Official* for the period required for retention of public records.

#### Sec. 10-6. - Permits.

- (a) **Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, to include a sign or billboard, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this chapter, who performs site work or causes any such work to be done, shall first make application to the *Building Official* and obtain the required permit. See chapter 28 of the City Code for additional permit requirements for signs and billboards.
- (b) **Annual permit.** In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the *Building Official* is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified



tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The *Building Official* shall have access to such records at all times, or such records shall be filed with the *Building Official* as designated.

- (c) **Annual electrical maintenance permit.** An annual electrical maintenance permit is issued by the city to allow a property owner, property lessee or management company to employ persons qualified by this Code to maintain and make minor repairs to existing electrical systems on a property that is registered with the department. An electrical maintenance permit is not required when the property owner, property lessee or management company is registered with the city as an electrical contractor or employs a master electrician of record, registered with the city as an electrical contractor, who oversees and is responsible for the electrical maintenance.
- (1) **Registration of persons qualified to perform work.** All persons performing electrical work under this section shall be licensed or registered as required by the city or state. All electrical work performed under this permit must be performed by master electricians, journeyman electricians, maintenance electricians, or electrical maintenance technicians. Initial applicants for maintenance technicians will have to complete eight (8) hours of training approved by the code official.
  - (2) **Limitations of work.** Work that may be performed under this permit by an electrical maintenance technician shall be limited to the maintenance of, repair or replacement of devices or lighting fixtures, having the same characteristics as the existing devices or fixtures, in or on existing outlets and shall include, but not be limited to the following:
    - a. 120-volt receptacles of all types.
    - b. 240-volt 3-wire and 4-wire dryer and range receptacles. Replacement of these receptacles shall be limited to like configuration and amperage receptacles.
    - c. Replacement of overcurrent devices and safety switches of only the same voltage, current, ampere interrupting capacity (AIC) including:
      1. One or two pole circuit breakers not exceeding 60-amps at 240-volts.
      2. One or two pole safety switches (fused or non-fused) not to exceed 60-amps at 240-volts.
      3. Fuses not to exceed 60-amps at 240-volts.
    - d. Photo cells and time clocks not to exceed 277-volts nominal.
    - e. Range hoods, disposals and dishwasher motors.
    - f. Interior, exterior lighting and switches not to exceed 277-volts nominal.
    - g. Ceiling fans on approved boxes with proper bracing.
    - h. Pool lights and outlets provided they are protected with GFCI and are replaced with same.
    - i. Doorbell transformers and wiring to other low voltage devices with 120-volt connections.
    - j. Bathroom-type exhaust vents.
    - k. Electric gate repair.

Electrical maintenance work does not include the installation of any new electrical appurtenances, apparatus, equipment, machinery, or controls beyond the scope of any existing electrical installation.

- (3) **Record keeping.** The applicant for an electrical maintenance permit must:
- Maintain a copy of the permit at either the site where the work is being conducted or applicant's place of business if within the city.
  - Maintain a copy of the registration card for the certified personnel either at the location where the work is performed or the applicant's place of business if within the city.
  - Maintain a record of all work performed by registered personnel for a minimum of twelve (12) months.
- (d) **Annual mechanical maintenance permit and annual plumbing maintenance permit for Residential Group R-2 apartment houses.** An annual mechanical maintenance permit and an annual plumbing maintenance permit, or the combination of both as one annual mechanical/plumbing maintenance permit, are required for all apartment houses containing more than four (4) dwelling units where the occupants are primarily permanent in nature. In this section the term "permanent in nature" means having dwelling units where the original lease term is greater than two (2) months.

Exception: No permit is required for apartment houses that have self-contained, ductless air conditioning products that have a cooling capacity of three (3) tons or less or for individual apartment houses containing less than five (5) dwelling units each.

(1) **Scope.**

- Mechanical.** The annual mechanical maintenance permit replaces the necessity of obtaining individual permits for work performed on environmental air conditioning system, a process cooling or heating system, a commercial refrigeration system or commercial refrigeration equipment. The permit does not cover nor is a permit required for the installation, repair, or removal of the following:
    - Vent hood used in residential kitchens.
    - Portable or self-contained ductless air conditioning product that has a cooling capacity of three (3) tons or less.
    - Portable or self-contained heating product that does not require the forced movement of air outside the heating unit.
    - Environmental air conditioning equipment that is intended for temporary use and is not fixed in place.
    - Residential refrigerator, freezer or ice machine.
  - Plumbing.** The annual plumbing maintenance permit replaces the necessity of obtaining individual permits for work performed by an owner or maintenance technician or maintenance engineer employed by the owner who performs plumbing maintenance work incidental to and in connections with other duties.
- (2) **Permit holder.** An annual mechanical maintenance permit for mechanical maintenance work and an annual plumbing maintenance permit for plumbing maintenance work will only be issued to the building owner/manager or their authorized agent. For properties that contain less than twenty (20) dwelling units, the permits holder may obtain one annual mechanical maintenance permit and one annual plumbing maintenance permit covering multiple locations. For properties that contain twenty (20) or more dwelling units, the permit holder shall obtain one annual mechanical maintenance and one annual plumbing maintenance permit for the dwelling units contained within the property.
- (3) **Annual mechanical maintenance permit and annual plumbing maintenance permit fees.** These fees shall be as follows:

Annual mechanical maintenance permit fee for single location	\$50.00 per permit plus \$0.21 per residential apartment unit
Annual mechanical maintenance permit fee for multiple locations	\$50.00 per permit plus \$2.00 per residential apartment unit
Annual plumbing maintenance permit fee for single location	\$50.00 per permit plus \$0.21 per residential apartment unit
Annual plumbing maintenance permit fee for multiple locations	\$50.00 per permit plus \$2.00 per residential apartment unit
Note: Owners of apartment houses have the option of taking out a combined annual mechanical/plumbing maintenance permit. These fees shall be as follows:	
Annual mechanical/plumbing maintenance permit fee for single location	\$100.00 per permit plus \$0.42 per residential apartment unit
Annual mechanical/plumbing maintenance permit fee for multiple locations	\$100.00 per permit plus \$4.00 per residential apartment unit

- (4) **Record keeping.** Records of all work performed under the annual mechanical maintenance permit and annual plumbing maintenance permit shall be maintained by the permits holder for no less than twelve (12) months after performing such work and shall be made available for the *Building Official's* review upon request.
- (5) **Periodic inspections.** Work performed under both the annual mechanical maintenance permit and the annual plumbing maintenance permit is subject to the *Building Official's* periodic inspections. No notice will be required by the *Building Official* to make periodic inspections of equipment located on the exterior of apartment houses. For periodic inspections of equipment located on the interior of apartment houses or their rooftops, coordination shall take place with the permits holder with a minimum five (5) day notice prior to the inspections. A date and time for the inspections shall be established by the *Building Official*. Maintenance records for both interior work and exterior work shall be made available during all interior inspections.
- (6) **Limits of work performed under annual mechanical maintenance permit and annual plumbing maintenance permit.** Work performed under these permits shall be limited as follows:
- a. **Mechanical:**
    1. All work required for the continued normal performance of an existing environmental air conditioning system, a process cooling or heating system, a commercial refrigeration system or a commercial refrigeration system. Work does not include the following:
      - a. Total replacement of a system.



- b. Installation or repair of a boiler or pressure vessel that must be installed in accordance with rules adopted by the commission under V.T.C.A., Health and Safety Code Ch. 755.
    - 2. Diagnosing and repairing problems associated with air conditioning, commercial refrigeration, or process cooling or heating equipment, and remedying or attempting to remedy these problems.
  - b. **Plumbing:** Repair, maintenance and replacement of existing potable water piping, existing sanitary waste and vent piping, existing plumbing fixtures and existing electric water heaters.
- (7) **Work not covered by the annual mechanical or plumbing maintenance permit.** The following work is not covered by these permits unless it is performed by either a licensed contractor or a state licensed professional engineer:
- a. **Mechanical:**
    - 1. Simultaneous replacement of the condensing unit, furnace and evaporator coil.
    - 2. Replacement of any condensing unit that is more than one-half-ton larger than the current size.
    - 3. Replacement of any furnace that is more than thirty-five thousand (35,000) BTU's larger than the current size.
    - 4. Replacement of any evaporator coil that is more than one-half-ton larger than the current size.
    - 5. Extension of any duct work more than one foot.
    - 6. Relocating any equipment to a new location more than five (5) feet from the original location.
  - b. **Plumbing:**
    - 1. Cutting into fuel gas plumbing systems.
    - 2. Installation of gas fueled water heaters.
- (8) **Who may perform work.** The following may perform maintenance work under these permits:
- a. Licensed air conditioning contractors for the mechanical maintenance permit.
  - b. A person licensed as an engineer under V.T.C.A., Occupational Code ch. 1001 and who engages in air conditioning and refrigeration contracting work and/or plumbing work in connection with the business in which the person is employed but does not engage in that work for the public.
  - c. A person who performs air conditioning and refrigeration maintenance work and/or plumbing maintenance work if the person:
    - 1. Is a maintenance technician or maintenance engineer and is a regular employee of the building owner/manager of the property where the work is being performed;
    - 2. Performs the work in connection with the business in which the person is employed; and
    - 3. The person's employer does not engage in air conditioning and refrigeration contracting for the public and/or plumbing contracting work for the public.
- (e) **Work exempt from permit.** Exemptions from permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of the city. Permits shall not be required for the following:

**(1) Building:**

- a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed three hundred (300) square feet (27.9 m<sup>2</sup>).
- b. Minor repairs to fences not over six (6) feet (1829 mm) high. Replacement of up to twenty-five (25) percent of the overall contiguous length of a fence shall constitute minor repair.
- c. Oil derricks.
- d. Retaining walls that are not over four (4) feet (1219 mm) in height measured from the grade level at the front of the wall to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
- e. Water tanks supported directly on grade if the capacity does not exceed five thousand (5,000) gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
- f. Sidewalks and driveways not more than thirty (30) inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
- g. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- h. Temporary motion picture, television and theater stage sets and scenery.
- i. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than twenty-four (24) inches (610 mm) deep, do not exceed five thousand (5,000) gallons (18,925 L) and are installed entirely above ground.
- j. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- k. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- l. Window awnings supported by an exterior wall that do not project more than fifty-four (54) inches (1,372 mm) from the exterior wall and do not require additional support of Groups R-3 and U occupancies.
- m. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five (5) feet nine (9) inches (1,753 mm) in height.
- n. Uncovered patios not more than thirty (30) inches (762 mm) above grade or not over any basement or story below.
- o. Uncovered decks accessory to one- and two family dwellings not exceeding three hundred (300) square feet in area, that are not more than thirty (30) inches above grade at any point, are not attached to a dwelling and do not serve a required exit door.

**(2) Electrical:**

- a. Minor repairs or maintenance work when performed by a licensed electrical contractor, the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- b. Replacement of a refrigeration or HVAC system motor, solenoid valves or controls associated with the motor when performed by a licensed mechanical contractor.

- c. The installation of that portion of wiring and equipment for telephone, voice, data, cable TV, broadband and other types of communication systems that operate at fifty (50) volts nominal or less. Such systems shall be grounded according to the applicable provisions of Article 250 and Chapter 8 of the NEC.
- d. The installation of wiring and equipment by or for the city for the purpose of generating, transmitting and delivering service to its customers.
- e. Radio and television transmitting stations: The provisions of this chapter shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
- f. Temporary testing systems: A permit shall not be required for the installation for any temporary system required for the testing or servicing of electrical equipment or apparatus.

(3) **Gas:**

- a. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- b. Portable LP-gas appliances and equipment of all types that is not connected to a fixed fuel piping system.
- c. Installation of farm appliances and equipment such as brooders, dehydrators, dryers and irrigation equipment.
- d. Raw material (feedstock) applications except for piping to special atmosphere generators.
- e. Oxygen-fuel gas cutting and welding systems.
- f. Industrial gas applications using gases such as acetylene and acetylene compounds, hydrogen, ammonia, carbon monoxide, oxygen and nitrogen.
- g. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms and natural gas processing plants.
- h. Integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by, or used in, chemical reactions.
- i. LP-gas installations at utility gas plants.
- j. Liquefied natural gas (LNG) installations.
- k. Fuel gas piping in power and atomic energy plants.
- l. Proprietary items of equipment, apparatus or instruments such as gas-generating sets, compressors and calorimeters.
- m. LP-gas equipment for vaporization, gas mixing and gas manufacturing.
- n. Temporary LP-gas piping for buildings under construction or renovation that is not to become part of the permanent piping system.
- o. Installation of LP-gas systems for railroad switch heating.
- p. Installation of hydrogen gas, LP-gas and compressed natural gas (CNG) systems on vehicles.
- q. Except as provided in Section 401.1.1 of the IFGC as amended, gas piping, meters, gas pressure regulators and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-gas.
- r. Piping systems for mixtures of gas and air within flammable range with an operating pressure greater than ten (10) psig (69 kPa gauge).

- s. Portable fuel cell appliances that are neither connected to a fixed piping system nor interconnected to a power grid.

(4) **Mechanical:**

- a. Portable heating appliance.
- b. Portable ventilation appliances and equipment.
- c. Portable cooling units.
- d. Steam, hot water or chilled water piping within any heating or cooling equipment or appliances regulated by this Code.
- e. The replacement of any minor part that does not alter approval of equipment or an appliance or make such equipment or appliance unsafe.
- f. Portable evaporative coolers.
- g. Self-contained refrigeration systems that contain ten (10) pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of one horsepower (0.75 kW) or less.
- h. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

(5) **Plumbing:**

- a. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this chapter.
- b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

- (f) **Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next business day to the *Building Official*.
- (g) **Repairs.** Application or notice to the *Building Official* is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety. When making repairs, defective material or parts shall be replaced or repaired in such a manner so as to preserve the original approval or listing.
- (h) **Public service agencies.** A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.
- (i) **Application for permit.** To obtain a permit, the applicant shall first file an application in writing on a form furnished by the department of development services for that purpose. 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 and occupancy for which the proposed work is intended.

- (4) Be accompanied by construction documents and other information as required in section 10-8 of this chapter.
  - (5) State the valuation of the proposed work. Valuation shall include the cost of labor, materials and profit.
  - (6) Be signed by the applicant, or the applicant's authorized agent.
  - (7) Give such other data and information as required by the *Building Official*.
- (j) **Authorization to obtain plumbing permits.** The following lists those individuals, contractors and companies that are authorized to obtain plumbing permits:
- (1) Any duly licensed (RMP) Responsible Master plumber registered with a company.
  - (2) Any homeowner performing plumbing work on a homestead wherein he/she resides. The installation must be made by the homeowner without the assistance of any person or persons.
  - (3) (TCEQ) 30 TAC 344 Licensed irrigators, who have a state irrigators license, for the installation of backflow devices for irrigation systems.
  - (4) Water softener companies that hold a Class III Texas Commission of Environmental Quality (TCEQ) license for the installation or change out of water softeners and associated equipment.
  - (5) Licensed fire line contractors for backflow devices on fire lines.
  - (6) Plumbing work performed by anyone who is regularly employed or acting as a maintenance man or maintenance engineer, incidental to and in connection with the business in which he is employed or engaged, and who does not engage in plumbing work for the general public. See state licensing law for definition of maintenance person or maintenance engineer.
- Exceptions:**
- a. Any person who is employed by the railroad for plumbing work done upon the premises or equipment of the railroad, and who does not engage in plumbing work for the general public.
  - b. Any person engaged by any public service company for plumbing work in connection with laying, maintaining and the operation of its service mains or lines and the installation, alteration, adjustment, repair, removal or renovation of all types of appurtenances, equipment and appliances directly related to public service companies, properties and/or jurisdiction.
- (7) Gas work performed by a certified LP gas installer licensed under V.T.C.A., Natural Resources Code chapter 113.
  - (8) (OSSF) On-site Sewage Facility companies that hold an (OSSF Installer I or Installer II) Texas Commission of Environmental Quality (TCEQ) license for installation of (OSSF) On-Site Sewage Facilities and associated equipment, to secure a Sewer Permit to install the Sewer line from the building drain to the OSSF tank.
- Insurance.** Before any person shall engage in plumbing work within the city, such person shall provide a certificate of insurance issued by an insurance company authorized and admitted to do business in the state for commercial general liability insurance and products completed operations coverage for master plumber for claims for property damage or bodily injury, regardless of whether the claim arises from a negligence claim or on a contract claim, and shall be in a coverage amount of not less than three hundred thousand dollars (\$300,000.00) for all claims arising in any one-year period. Further, any persons engaged in plumbing work shall indemnify and hold harmless the city from any and all damages, claims, liens or losses, including, but not limited to personal injury or death and property damage, arising from any acts or omission of any character whatsoever caused by such person, his agents or employees, engaged in plumbing work.
- (k) **Action on application.** The *Building Official* shall examine or cause to be examined application for permits and amendments thereto within a reasonable time after filing. Such applications may be



reviewed by other departments of the city to verify compliance with any applicable laws and ordinances under their jurisdiction. If the application or the construction documents do not conform to the requirements of the pertinent laws, the *Building Official* shall reject such application in writing, stating the reasons for the rejection. If the *Building Official* is satisfied that the proposed work conforms to the requirements of this chapter and applicable laws and ordinances, and that fees specified in ordinances adopted by the city have been paid, the *Building Official* shall issue a permit for the work as soon as practicable. No building permit shall be issued where there is not a supply of approved water for domestic or fire protection use, and adequate to the purposes for which the property is intended to be used, and where there is not an all-weather road surface adequate to withstand the weight of a fire truck.

- (l) **Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned one hundred eighty (180) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued, except that the *Building Official* is authorized to grant one or more extensions of time for additional periods not exceeding ninety (90) days each. The extension shall be requested in writing and justifiable cause demonstrated.
- (m) **Validity of permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or of any other ordinance of the city. Permits presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the city shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the *Building Official* from requiring the correction of errors in the construction documents and other data. The *Building Official* is also authorized to prevent occupancy or use of a structure where in violation of this chapter or of any other ordinances of the city.
- (n) **Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. The *Building Official* is authorized to grant, in writing, one or more extensions of time, for periods not more than one hundred eighty (180) days each. The extension shall be requested in writing and justifiable cause demonstrated.

**(o) Construction Noise.** All noise produced by the erection, including construction, excavation, demolition, alteration, or repair work, or the permitting or causing thereof, of any building or other structure, shall meet the requirements of Section 21-52 (a)(6) of the City Code. Observed violations will result in criminal and/or civil citations per Section 21-58(b), suspension and revocation of the permit as follows:

- First violation will result in a citation.
- Second violation will result in a citation, and the *Building Official* may suspend the permit for 10 days. A compliance agreement shall be signed by contractor and property owner outlining that they will not violate this section again for this project. The signed agreement shall be provided to the *Building Official* no later than 3 business days of the second violation.
- Third violation will result in a citation, and the *Building Official* may revoke the permit.

Per Section 21-52(a)(6)(b), the *Building Official* can issue *Waivers* to perform work during hours not approved per Section 21-52(a)(6)(a).

- ~~(p)~~ **Suspension or revocation.** The *Building Official* is authorized to suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this chapter.
- ~~(q)~~ **Placement of permit.** The building permit or copy shall be kept on the site of the work until the completion of the project.
- ~~(r)~~ **Demolition permit.** See section 10-119 of this chapter.
- ~~(s)~~ **House moving permit.** See section 10-120 of this chapter.

**Sec. 10-7. - Floor and roof design loads.**

- (a) **Live loads posted.** Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed fifty (50) psf (2.40 kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.
- (b) **Issuance of certificate of occupancy.** A certificate of occupancy required by section 10-12 shall not be issued until the floor load signs, required by section 10-7, have been installed.
- (c) **Restrictions on loading.** It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this chapter.

**Sec. 10-8. - Submittal documents.**

- (a) **General.** Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data as required by the development services department's application procedures shall be submitted ~~in two (2) or more sets~~ electronically with each permit application. The construction documents shall be prepared by a registered design professional where required by this Code, the state, or any of its regulatory agencies. Where special conditions exist, the *Building Official* is authorized to require additional construction documents to be prepared by a registered design professional. Buildings, additions and major renovations for the following occupancies shall also require a design professional to prepare the construction documents:

- (1) All Group A (Assembly) occupancies.
- (2) All Group E (Educational) occupancies.
- (3) All Group I (Institutional) occupancies.
- (4) Buildings and structures three (3) stories or more high.
- (5) Buildings and structures five thousand (5,000) square feet or more in area.
- (6) Electrical plans and specifications prepared by engineer. Installation or alteration of any equipment on the customer side of the CPS Energy point of delivery (service point) rated over six hundred (600) amps at two hundred fifty (250) volts or less and rated at over four hundred (400) amps at greater than two hundred fifty (250) volts, any system above six hundred (600) volts or when required by the Texas Engineering Practice Act shall have the electrical plans sealed by a professional engineer, licensed or registered with the state.

**Exception:** The *Building Official* is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Code.

- (b) **Construction documents.** Construction documents shall be in accordance with items (1) through (5).
  - (1) **Information on construction documents.** Construction documents shall be dimensioned and drawn upon suitable material to scale. ~~Electronic media documents are permitted to be substituted when approved by the Building Official.~~ Construction documents 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 chapter and relevant laws, ordinances, rules and regulations, as determined by the *Building Official*.
  - (2) **Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to this Code and the construction documents shall be

approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the IBC, as amended. Refer also to ~~Chapter~~ Chapter 11 of this Code for additional requirements regarding fire protection system submittal documents and procedures.

- (3) **Means of egress.** The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this chapter. In other than occupancies of Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

- (4) **Exterior wall envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this chapter. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive ~~membrane-barrier~~ and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

- (5) **Exterior balconies and elevated walking surfaces.** Where balconies or other elevated walking surfaces ~~have weather-exposed surfaces, are exposed to water from direct or blowing rain, snow, or irrigation,~~ and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

- (6) **Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, if applicable, flood hazard areas, floodways, and design flood elevations and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *Building Official* is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

- a. **Design flood elevations.** Where design flood elevations are not specified, they shall be established in accordance with Appendix F, Floodplains - Areas of Special Flood, of the Unified Development Code.

- (c) **Examination of documents.** The *Building Official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this chapter and other pertinent laws or ordinances.

- (1) **Approval of construction documents.** When the *Building Official* issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." ~~One set of The~~ reviewed construction documents shall be retained by the *Building Official*. ~~The other set shall be returned to the applicant; shall kept keep a copy of the approved and stamped construction documents~~ at the work site, and open to inspection by the *Building Official* or his duly authorized representative.

- (2) **Previous approvals.** This chapter shall not require changes to the construction documents, construction or designated occupancy of a structure for which a lawful permit has been issued or

otherwise lawfully authorized, and the construction of which has been pursued in good faith within one hundred eighty (180) days after the effective date of this chapter and not abandoned.

- (3) **Phased approval.** The *Building Official* is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided adequate information and detailed statements have been filed complying with pertinence requirements of this chapter. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the owner's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

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(4) **Design professional in responsible charge.**

- a. **General.** When documents are required to be prepared by a registered design professional, the owner or the owner's authorized agent shall engage and designate on the building permit application a registered design professional to act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional who shall perform the duties required of the original registered design professional in responsible charge. The *Building Official* shall be notified in writing by the owner or the owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

- b. **Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of application and are to be submitted to the *Building Official* within a specified period.

Deferral of any submittal items shall have the prior approval of the *Building Official*. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the *Building Official*.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the *Building Official* with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the *Building Official*.

- (d) **Amended construction documents.** Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.
- (e) **Retention of construction documents.** ~~One set of a~~ Approved construction documents shall be retained by the *Building Official* for a period of not less than one hundred eighty (180) days from the date of completion of the permitted work, or as required by state or local laws.
- (f) **Changes to standard tower release agreement.** Changes to the individual control such as tenant and premise description found in the standard tower release agreement, attached to Ordinance Number 83931 as Exhibit II, do not require city council approval, provided there are no substantial changes to the standard tower lease agreement. All other substantial changes to such agreement shall require city council approval subject to approval of the office of the city attorney.

**Sec. 10-9. - Temporary structures and uses.**

- (a) **General.** The *Building Official* is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than one hundred eighty (180) days. The *Building Official* is authorized to grant extensions for demonstrated cause. Chapter 11 of this Code contains additional requirements for temporary structures and uses.
- (b) **Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this chapter as necessary to ensure public health, safety and general welfare.



- (c) **Temporary power.** The *Building Official* is authorized to give permission to temporarily supply and use power in part of an electric installation before any such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in article VI of this chapter.
- (d) **Termination of approval.** The *Building Official* is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

#### Sec. 10-10. - Fees.

- (a) **Payment of fees.** A permit shall not be valid until the fees prescribed by the fee schedule adopted by the city have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.
- (b) **Schedule of permit fees.** A fee for each permit shall be paid as required, in accordance with the fee schedule adopted by the city, for buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit.
- (c) **Building-related permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations include total value of work, including materials, labor, and profit for which a permit is being issued. ~~if~~ If, in the opinion of the *Building Official*, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the *Building Official*. Final building-related permit valuations shall be set by the *Building Official*.
- (d) **Work commencing before permit issuance.** Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to double permit fees for the specified area. The payment of such double fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed in this Code.
- (e) **Structures being moved; inspection of buildings or structures that are located outside city limits.** An inspection to determine compliance with city requirements shall be made of a building or structure on which an application to move same into the city is pending before the zoning board of adjustment. A fee shall be charged in accordance with the fee schedule adopted by the city.
- (f) **Re-inspection fees.** The re-inspection fee charged shall be in accordance with the fee schedule adopted by the city. In instances where re-inspection fees have been assessed, all fees shall be paid before release of utilities.
- (g) **Refunds.** The *Building Official* is authorized to establish a refund policy.

#### Sec. 10-11. - Inspections and testing.

- (a) **General.** Construction or work for which a permit is required is subject to inspection by the *Building Official* and such construction work shall remain accessible and exposed for inspection purposes until approved. Approval following an inspection is not an approval of a violation of the provisions of this chapter or of other ordinances of the city. Inspections presuming to give authority to violate or cancel the provisions of this chapter or of other ordinances of the jurisdiction are not valid. It is the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the *Building Official* nor the city are liable for expense entailed in the removal or replacement of any material required to allow inspection.
- (b) **Preliminary inspection.** Before issuing a permit, the *Building Official* is authorized to examine or cause to be examined building, structures and sites for which an application has been filed.

(c) **Required inspections and tests.** The *Building Official*, upon notification, shall make the inspections and tests set forth in paragraphs (1) through (~~13~~15).

- (1) **Footing and foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to the inspection. Materials for the foundation shall be on the job, except where concrete is ready mix in accordance with ASTM C 94, the concrete need not be on the job.
- (2) **Underground.** Underground inspections shall be made after trenches or ditches are excavated and bedded, raceways and cable or conductors installed, and before backfill is put in place. Where excavated soil contains rocks, broken concrete, frozen chunk and other rubble that would damage or break the raceway, cable or conductors, or where corrosive action will occur, protection shall be provided in the form of granular or selected material, approved running boards, sleeves or other approved means.
- (3) **Concrete slab and under-floor inspections.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and 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.
- (4) **Lowest floor elevation.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevations certification required in Section 1612 of the IBC, or the IRC as amended, shall be submitted to the *Building Official*.
- (5) **Plumbing, mechanical, gas and electrical systems inspections and tests.** Concealment or rough-in inspections of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

**Exception:** For one- and two-family dwellings, back-filling of ground-source heat pump loop systems tested in accordance with Section M2105.1 of the ~~2018~~2021 IRC, as amended, prior to inspection shall be permitted.

- (6) **Duct test for one- and two-family dwellings and townhomes.** All ducts for one- and two-family dwellings as well as townhomes, in unconditioned spaces, shall be duct tested prior to covering or concealment to disclose leaks and defects. Tests shall be made by an independent certified RESNET energy rater or an alternative approved by the *Building Official* ~~using objective, verifiable testing criteria and results provided to the Building Official.~~ Apparatus, material and labor required for testing a mechanical system shall be furnished by the independent certified RESNET energy rater or *Building Official* approved alternate. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made to achieve compliance with this chapter. The work or installation shall then be re-submitted to the *Building Official* for inspection and testing. See also section ~~R403.3-3~~ of the ~~2018~~2021 IECC, as amended.
- (7) **Frame inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.
- (8) Types IV-A, IV-B and IV-C connection protection inspection. In buildings of Types IV-A, IV-B and IV-C construction, where connection fire-resistance ratings are provided by wood cover calculated to meet the requirements of IBC Section 2304.10.1, inspection of the wood cover shall be made after the cover is installed, but before any other coverings or finishes are installed.
- (~~8~~9) **Lath and gypsum board inspection.** Lath and gypsum board inspections shall be made after the lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or any gypsum board joints and fasteners are taped and finished.

**Exception:** Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

- (109) **Waterproofing.** Where balconies or other elevated walking surfaces have weather-exposed surfaces, ~~are exposed to water from direct or blowing rain, snow or irrigation~~, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved.

**Exception:** Where special inspections are provided in accordance with Section 1705.1.1, Item 3.

- (119) **Fire- and smoke-resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.
- (124) **Energy efficiency inspections.** Inspections shall be made to determine compliance with chapter 4(RE) of the ~~2018~~2021 IECC for detached one- and two-family dwellings and multiple single-family dwellings (townhomes) as well as Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane, and chapter 4(CE) of the ~~2018~~2021 IECC for all other occupancies, as amended, and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency. For detached one and two-family dwellings and multiple single-family dwellings (townhomes) as well as Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane, an independent certified RESNET energy rater or an alternative approved by the *Building Official* using objective, verifiable testing criteria, shall test and inspect the air barrier as per section R402.54 Air leakage, of the ~~2018~~2021 IECC. The results must be submitted on a form approved by the *Building Official*. The form shall show that construction is in compliance with the ~~2018~~2021 IECC.
- (132) **Other inspections.** In addition to the inspections specified above, the *Building Official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this chapter and other laws that are enforced by the department of development services.
- a. **Prefabricated construction assembly with electrical work.**
1. **Evaluation report.** Prior to the approval of a prefabricated construction assembly having concealed electrical work and the issuance of an electrical permit, the *Building Official* requires the submittal of an evaluation report on each prefabricated construction assembly, indicating the complete details of the electrical system, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information, and other data as necessary for the *Building Official* to determine conformance to this chapter.
  2. **Evaluation service.** The *Building Official* shall designate the evaluation service of an approved agency as the evaluation agency and review such agency's evaluation report for adequacy and conformance to this chapter.
  3. **Follow-up inspection.** Except where ready access is provided to the electrical systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the *Building Official* is authorized to conduct the in-plant inspections as frequently as necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the *Building Official* with the follow-up inspection manual and a report of inspections upon request, and the electrical system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.
  4. **Test and inspection records.** Required test and inspection records shall be available to the *Building Official* at all times during the fabrication of the electrical system and the erection of the building, or such records as the *Building Official* -designates shall be filed.
- (143) **Special inspections.** For special inspections, see Section 1704 of the IBC, as amended.

- (154) **Final inspection.** The final inspections shall be made after work required by building-related permits is completed. Failure to request a final inspection within thirty (30) days after the completion of a permit's work is a violation of this chapter.
- (d) **Inspection agencies.** The *Building Official* is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.
- (e) **Inspection requests.** It shall be the duty of the holder of the building-related permit or their duly authorized agent to notify the *Building Official* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this chapter.
- (f) **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 the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this chapter. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *Building Official*.
- (g) **Reinspection and retesting.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this chapter. The work or installation shall then be resubmitted to the *Building Official* for inspection and testing. To receive a reinspection or retest, the applicant shall make a request to the *Building Official* and pay the reinspection fee in accordance with the fee schedule prior to the inspection or test.

#### Sec. 10-12. - Certificate of occupancy.

- (a) **Use and occupancy.** No building or structure shall be used or occupied in whole or part, and no change in the existing use or occupancy classification of a building or structure or portion thereof shall be made, until the *Building Official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval if a violation of the provisions of this chapter or of other ordinances of the city.
- Exception:** Certificates of occupancy are not required for work exempt from permits under subsection 10-6(d).
- (b) **Certificate issued.** After the *Building Official* inspects the building or structure and finds no violations of the provisions of this chapter or other laws that are enforced by the department, the *Building Official* shall issue a certificate of occupancy that contains the following:
- (1) The building permit number.
  - (2) The address of the structure.
  - (3) The name and address of the owner or the owner's authorized agent.
  - (4) A description of that portion of the structure for which the certificate is issued.
  - (5) A statement that the described portion of the structure has been inspected for compliance with the requirements of this chapter for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
  - (6) The name of the *Building Official*.
  - (7) The edition of the IBC or IRC under which the permit was issued.
  - (8) The use and occupancy, in accordance with the provisions of Chapter 3~~Three~~ of the IBC.
  - (9) The type of construction as defined in Chapter 6~~Six~~ of the IBC.
  - (10) The design occupant load.

- (11) ~~If~~Where an automatic sprinkler system is provided, whether the sprinkler system is required.
- (12) Any special stipulations and conditions of the building permit.
- (c) **Temporary occupancy.** The *Building Official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The *Building Official* shall set a time period during which the temporary certificate of occupancy is valid.
- (d) **Revocation.** The *Building Official* is authorized to suspend or revoke a certificate of occupancy or completion issued under the provisions of this chapter wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this chapter.

#### Sec. 10-13. - Service utilities.

- (a) **Connection of service utilities.** No person shall make connections from a utility, source of energy, fuel, ~~or~~ power, water system or sewer system to any building or system that is regulated by this chapter for which a permit is required, until released by the *Building Official*.
- (b) **Temporary connection.** The *Building Official* shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel, ~~or~~ power, water system or sewer system for the purpose of testing plumbing systems or for use under a temporary approval.
- (c) **Authority to disconnect service utilities.** The *Building Official* has the authority to authorize disconnection of utility service to the building, structure or system regulated by the referenced codes and standards of subsection 10-2(c) of this chapter to eliminate a risk to life or property or when such utility connection has been made without the required authorization. The *Building Official* shall notify the serving utility, and wherever possible the owner or the owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, owner's authorized agent, or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.
- (d) **Connection after order to disconnect.** A person shall not make utility service or energy source connections to systems regulated by this Code which have been disconnected or ordered to be disconnected by the code official or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such systems.
- (e) **Changing location of electric meters.** If alterations of the building, dwelling, structure or wiring require changes in the location or size of the electric meter/service equipment, a licensed electrical contractor with the city shall acquire a permit for the work to be performed and coordinate the disconnecting and reconnecting of service with the utility.
- (f) **Emergencies.** Where life or property may be in danger, a licensed electrical contractor with the city may disconnect the electric service to the building, dwelling or structure and shall immediately notify the utility.
- (g) **Utility company rules.** The latest edition of the CPS Energy publication, "Electrical Service Standards," as approved by the *Building Official* and adopted by city council, is hereby incorporated and made a part of this chapter for all electric services and meter installations. All other wiring, either public or private, shall conform to this chapter.



**Sec. 10-14. - Building-related and fire codes appeals and advisory board.**

- (a) **General.** A building-related and fire codes appeals and advisory board also known as the appeals and advisory board is created. The board shall hear and decide appeals of orders, decisions or determinations made by the *Building Official* or the fire chief relative to the application and interpretations of chapter 10, chapter 11 and specific articles in chapter 28 of the City Code, and in order to provide advice to the *Building Official* or fire chief on code-related matters.
- (1) Members of the appeals and advisory board shall be appointed by the mayor and city council and shall hold office at its pleasure.
  - (2) Applications for appeal for any order, decision or determination made by the *Building Official* or the fire chief shall be filed on a form obtained from the *Building Official* within twenty-one (21) calendar days after the notice was served.
  - (3) A filing fee must accompany each application for appeal to the appeals and advisory board, as set forth in the fee schedule adopted by the city.
  - (4) The appeals and advisory board shall meet quarterly on general and codes-related matters and shall meet within fourteen (14) calendar days after either the *Building Official* or the fire chief receives an application appealing an associated order, decision or determination relative to the application and interpretation of ~~e~~Chapter 10, ~~e~~Chapter 11 and specific articles in ~~e~~Chapter 28.
  - (5) When requested by the *Building Official* or fire chief, the appeals and advisory board shall conduct public hearings on nationally recognized building-related codes, following publication, and shall make recommendations to the *Building Official* or fire chief for adoption or local amendment.
- (b) **Application for appeal.** An application for appeal shall be based on a claim that:
- (1) The true intent of ~~e~~Chapters 10, 11 and specific articles in ~~e~~Chapter 28 or the rules legally adopted thereunder have been incorrectly interpreted;
  - (2) The provisions of this chapter do not fully apply; or
  - (3) An equally good or better form of construction is proposed.
- (c) **Limitation on authority.**
- (1) The appeals and advisory board shall have no authority to waive requirements of ~~e~~Chapters 10, 11 or 28.
  - (2) The appeals and advisory board shall review building-related and fire codes issues when requested to do so by the *Building Official* or fire chief and shall provide a recommendation to the *Building Official* or fire chief.
  - (3) The appeals and advisory board may also review and make recommendations to the *Building Official* or fire chief on any building-related or fire code issue, as requested by a citizen or board member when the request for board review is approved by both the *Building Official* and appeals and advisory board chairman.
  - (4) Appeals, as defined in subsection 10-14(a), do not require approval by either the *Building Official* or chairman of the appeals and advisory board in order to be heard.
  - (5) All meetings of the board must comply with the provisions of the Texas Open Meetings Act. Through board action, technical issue items may be added for discussion to any future board meeting agenda. Administrative and non-technical agenda items may only be added to the agenda and discussed when approved by the *Building Official*.
  - (6) Technical committees shall be established by the board to assist the *Building Official* and fire chief in determining recommendations for the adoption of the model codes listed in subsections 10-2(1)—(6) of this chapter and the model code listed in ~~e~~Chapter 11 and any associated local amendments to these codes.

- (7) The responsibilities of the appeals and advisory board shall be limited to those specifically contained in this chapter.
- (d) **Qualifications.** The board of appeals shall consist of seventeen (17) members and seventeen (17) alternates who are qualified by experience and training to act on matters pertaining to building-related and fire codes, and may not be employees of the city. Board of appeals members and alternate members shall reside in the city unless the residence requirement is waived by city council. New applicant and non-holdover existing member nominations to the Board shall be made in writing to the secretary of the board of appeals by industry associations that are affiliated with nationally recognized organizations and include language nominating an individual for any membership within a given category. Industry associations may still request a preference for primary or secondary membership in its nomination letter. City Council shall appoint board members accommodating this preference with an overall priority given existing board vacancies. Upon City Council appointment, the board is (1) authorized to administratively switch primary and alternate membership designations within the same category; and also (2) to fill vacant primary member positions with alternate members within the same category. Exercise of board authority shall only be done where necessary for efficient administration of board function, with the approval of the individual impacted member, and with a majority vote of the board in favor of the action. Any action taken by the board under this section shall have no impact on the time a member shall serve on this board. Membership of the appeals and advisory board, including alternates, is by category and as follows:
- (1) One member and one alternate shall be a structural engineer licensed or registered by the state as a professional engineer.
  - (2) One member and one alternate shall be a fire protection engineer licensed or registered by the state as a professional engineer.
  - (3) One member and one alternate shall be an electrical engineer licensed or registered by the state as a professional engineer.
  - (4) One member and one alternate shall be a plumbing engineer or a mechanical engineer licensed or registered by the state as a professional engineer.
  - (5) One member and one alternate shall be an architect licensed by the state.
  - (6) Two (2) members and two (2) alternates shall be building contractors registered by the city.
  - (7) Two (2) members and two (2) alternates shall be licensed by the state as a master electrician. Of these, one member and one alternate represent organized labor, and one member and one alternate represent open shop.
  - (8) Two (2) members and two (2) alternates shall be licensed by the state as an air conditioning and refrigeration contractor. Of these, one member and one alternate shall represent organized labor and one member and one alternate shall represent open shop.
  - (9) Two (2) members and two (2) alternates shall be licensed by the state as a master plumber. Of these, one member and one alternate represent organized labor and one member and one alternate represent open shop.
  - (10) One member and one alternate shall be a commercial building contractor.
  - (11) One member and one alternate shall be a commercial building owner, manager, or their representative.
  - (12) One member and one alternate shall be a Residential Group R-2 multi-family building owner, manager, or their representative.
  - (13) One member and one alternate: licensed by either the city or the state as a master sign electrician.

The fire chief or designee shall be an ex-officio member. The *Building Official* or designee shall also be an ex-officio member and shall act as secretary to the appeals and advisory board. The *Building Official* or fire chief or their respective designees shall not have a vote on any matter before the appeals and advisory board.

The appeals and advisory board shall be subject to ~~e~~Chapter 2, article IX entitled "Boards and Commissions," to the extent not in conflict with these provisions. Members shall be limited to three (3) consecutive two-year terms. Board membership shall continue in a holdover capacity until a replacement is appointed. The appeals and advisory board shall elect a chairman and vice-chairman annually, shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with copies to the *Building Official* or fire chief. All vacancies are filled for the unexpired portion of the term only.

(e) **Quorum and majority vote.**

- (1) An appointed alternate member shall not serve on the appeals and advisory board, or any board committee, when the appointed member for whom they are an alternate is present.
- (2) Nine (9) appointed members or their appointed member alternates, constitutes a quorum of the appeals and advisory board.
- (3) Voting shall only be conducted by appointed members or their appointed alternates, should the member not be present. No proxy votes shall be allowed.
- (4) A majority vote of those members present, including alternate members representing absent members, shall be necessary for approval of any decision of the appeals and advisory board, and each member or alternate member, should the member be absent, shall have one vote including the chairman.
- (5) The appeals and advisory board shall take no action on an appeal unless one appointed member that is a subject matter expert is present for each major part of the appeal. For example: if an appeal has two (2) major parts, structural and plumbing, the structural engineer member and at least one of the two (2) master plumber members must be present in order for the appeals and advisory board to take action on the appeal. Failure of the appeals and advisory board to have these subject matter experts present does not result in the approval of the applicant's appeal.

(f) **Committees.** The appeals and advisory board may form committees to advise it on specific matters. Prior to conducting public hearings on any of the nationally recognized building-related codes and any associated amendments thereto, the appeals and advisory board shall form code review committees and shall select a chairman for such committee. The purpose of code review committees is to review the newly published codes and to receive public comments on these codes and their associated amendments. The *Building Official* will provide appropriate staff support to all such committees. The chairman of each code review committee shall report his committee recommendations to the appeals and advisory board during the subsequent public hearings conducted by the board on these codes.

- (1) **Committee membership.** Committee membership shall consist of appointed members or their appointed alternates, should the member not be present, and may also consist of not more than four (4) individuals who are not appointed by the mayor and city council and who are not required to reside in the city. A committee is required to have at least four (4) appointed members or their appointed alternates. Both the primary board member and alternate board member for any category may serve on a committee, but only one category member, primary or alternate, may serve as a voting member on the committee. Committees shall have not more than seven (7) primary and alternate board members. Any board member may sit on a committee as an ex-officio member, but shall not be counted as part of the quorum or be authorized to vote.
- (2) **Committee quorum and voting.** A majority of the appointed members or their appointed alternates, should the member not be present, of the committee shall constitute a quorum. Only committee members who are appeals and advisory board members or their alternates, should the member not be present, shall be allowed to vote on committee items. Committee members not appointed by the mayor and city council to the appeals and advisory board, as either a member or alternate member, may not vote on committee matters, and shall not be counted in the quorum. A majority of committee members authorized to vote shall be required.

(g) **Procedure.** The meeting of the board of appeals shall be conducted in conformity with parliamentary rules (Robert's Rules of Order), or other rules established by the appeals and advisory board, unless otherwise specified in ~~e~~Chapters 10, ~~e~~Chapter 11 and specific articles in ~~e~~Chapter 28. The procedures

shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

- (h) **Open hearing and meeting.** All hearings and meetings of the appeals and advisory board shall be open to the public, and subject to the Texas Public Meetings Act. The appellant, the appellant's representative, the *Building Official*, fire chief and any other person whose interests are affected shall be given equal opportunity to be heard.
- (i) **Appeals and advisory board decision on appeals.** A concurring vote of the majority of appointed members present once a quorum is established is required in order for the appeals and advisory board to modify or reverse the decision of the *Building Official* or fire chief.
  - (1) **Resolution.** The decision of the appeals and advisory board shall be by resolution. Certified copies, signed by the chairman of the appeals and advisory board, shall be furnished to the appellant and to the *Building Official* and fire chief.
  - (2) **Administration.** The *Building Official* and fire chief shall take immediate action in accordance with the decision of the appeals and advisory board.
- (j) **Board of appeals action.** Any action taken by the building-related and fire codes board of appeals is final.

#### Sec. 10-15. - Violations.

- (a) **Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this chapter, or cause same to be done, in conflict with or in violation of any of the provisions of this chapter.
- (b) **Notice of violation.** The *Building Official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this chapter, or in violation of a permit or certificate issued under the provisions of this chapter. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
- (c) **Prosecution of violation.** If the notice of violation is not complied with promptly, the *Building Official* is authorized to request legal counsel of the city to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of such provisions of this chapter or of the order or direction made pursuant thereto.
- (d) **Violation penalties.** Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the *Building Official*, or of a permit or certificate issued under the provisions of this chapter, shall be subject to penalties prescribed by law.
- (e) **Misdemeanor.** Any person violating any of the provisions of this Code or other ordinances which are enforced by the *Building Official* shall be deemed guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted. Each violation may be punishable by a fine not to exceed five hundred dollars (\$500.00).

#### Sec. 10-16. - Stop work order.

- (a) **Authority.** Whenever the *Building Official* finds any work regulated by this chapter being performed in a manner either contrary to the provisions of this chapter or dangerous or unsafe, the *Building Official* is authorized to issue a stop work order.
- (b) **Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order,

the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

- (c) **Emergencies.** Where an emergency exists, the building official shall not be required to give written notice prior to stopping work.
- (~~d~~e) **Unlawful continuance.** Any person who shall continue any work having been served with a stop work order, except such work as that person is directed to perform to remove the violation or unsafe condition, shall be subject to penalties as prescribed by law.

#### Sec. 10-17. - Unsafe structures and equipment.

- (a) **Unsafe ~~C~~onditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *Building Official* deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.
- (b) **Record.** The *Building Official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.
- (c) **Notice.** If an unsafe condition is found, the *Building Official* shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *Building Official* acceptance or rejection of the terms of the order.
- (d) **Method of service.** Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address as referenced in the deed records with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.
- (e) **Restoration or abatement.** ~~Where the~~ the structure or equipment determined to be unsafe by the *Building Official* is permitted to be restored to a safe condition, the owner, the owner's authorized agent, operator or occupant of a structure, premises or equipment deemed unsafe by the *Building Official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with subsection 10-2(c) of this chapter.

Secs. 10-18—10-24. - Reserved.