

ORDINANCE NO. 35-2004

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS", ARTICLE VI, "CODES AND OTHER REGULATIONS", DIVISION 10, "ENERGY CODE" AND CREATING DIVISION 11, "EXISTING BUILDING CODE", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:


- PART 1. That Chapter 8, Article VI, "Codes and Other Regulations", Division 10, "Energy Code" of the Abilene Municipal Code be amended and Division 11, "Existing Building Code", is added as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.
- PART 3. That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 4. That any person, firm or corporation violating any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Two Thousand Dollars (\$2,000). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 4th day of November, A.D., 2004.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 14th day of November, 2004, the same being more than 24 hours prior to a public hearing to be held in the Council Chamber of City Hall in Abilene, Texas, at 5:30 p.m., on the 18th day of November, 2004, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON SECOND AND FINAL READING this 18th day of November, A.D., 2004.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

EXHIBIT "A"

CHAPTER 8, CONSTRUCTION REGULATIONS

ARTICLE VI. CODES AND OTHER REGULATIONS

DIVISION 10. ENERGY CODE

Delete:

Secs. 8-604 - 8-700. Reserved.

Add:

Secs. 8-604 – 8-611. Reserved.

Add:

DIVISION 11. EXISTING BUILDING CODE

Sec. 8-612. Adopted.

The International Existing Building Code, 2003 Edition, published by the International Code Council, Inc., together with an existing building code pamphlet amending and supplementing that code, are hereby enacted and adopted by reference, as the existing building code for the City of Abilene, and is hereby incorporated herein. The existing building code pamphlet, along with the International Existing Building Code, are on file in the Building Official's and City Secretary's Offices.

Sec. 8-613. Penalties for violation.

Any person violating the provisions of the existing building code adopted by the provisions of this article, or any amendment thereto, shall be punished as provided by section 1-9 of this Code.

Secs. 8-614 - 8-700 Reserved.

ABILENE EXISTING BUILDING CODE



**TO BE USED IN CONJUNCTION WITH THE
2003 INTERNATIONAL EXISTING BUILDING CODE**

This booklet is to be used in conjunction with the *2003 International Existing Building Code*, published by the International Code Council, Inc. This pamphlet and the *2003 International Existing Building Code* comprise the Existing Building Code for the City of Abilene, Texas.

This code was adopted by the City Council on November 18, 2004, Ordinance No. 35-2004 of the Municipal Code.

TELEPHONE

Building Inspections 676-6271/676-6397
Building Inspectors 676-6275/676-6353

BUILDING INSPECTIONS

555 Walnut, Room 100
Abilene, Texas 79601

The following Chapters of the *2003 International Existing Building Code*, are adopted in their entirety:

Chapters 2, 3, 7, 9, 13, 14

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APPENDIX A - FEE SCHEDULE

ABILENE EXISTING BUILDING CODE

Adopt the 2003 *International Existing Building Code* in its entirety, with the following amendments:

CHAPTER 1 ADMINISTRATION

Section 101 General

101.1 Title. *{Amend to read as follows.}* These regulations shall be known as the *Existing Building Code* of the City of Abilene, Texas, hereinafter referred to as “this code”.

101.4 Existing buildings. *{Amend to read as follows.}* The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Fire Code*, or the, *1991 Housing Code*, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

101.5 Maintenance. *{Amend 2nd sentence to read as follows.}* ... The provisions of the *1991 Housing Code* shall apply to the maintenance of existing buildings 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 buildings. ...

Section 102 Applicability

102.4 Referenced codes and standards. *{Add the following sentence to end of paragraph.}* In all cases, local amendments, as adopted, are part of the referenced code. (All references to the ICC Electrical Code will be amended to the City of Abilene Electrical Code.)

102.4.2 Compliance with other codes, standards, and guides. *{Delete all references, except reference to International Building Code.}*

{Amend Section 103 heading as follows.}

Section 103 Department of Building Inspection

103.1 Creation of enforcement agency. *{Amend to read as follows.}* The department of building inspection is hereby created and the official in charge thereof shall be known as the building official. *{Add the following sentence.}* All references in this code to the “code official” shall mean the “building official”.

Section 105
Permits

105.1.1 Annual permit. *{Delete in its entirety.}*

105.1.2 Annual permit records. *{Delete in its entirety.}*

105.2 Work exempt from permit. *{Amend as follows.}*

Building:

{Add the following to end of paragraph.}

7. When reroofing 5 squares or less.

105.7 Placement of permit. *{Delete in its entirety and insert the following.}*

105.7 Inspection record card. A visible address is to be posted at the job site at the front entrance, adjacent to the permit building card. The address numbers must be a minimum 3" high. The permit card and address sign are to be posted and visible for all inspections throughout construction of the project. The inspection card shall be protected from the elements.

Exception: Permit inspection cards are not required on new single family residential construction.

{Add the following subsections.}

105.8 Trash and debris Containment. It is the responsibility of each permit holder to make provisions for the containment of building materials, construction debris, and all other trash and debris generated within the property boundaries. The particular method, which may include, but is not limited to, refuse container, roll-offs, fenced areas or other types of wire enclosures, shall be specified by the applicant prior to obtaining a building permit. The applicant may specify City of Abilene container service, if available, provided it is a container assigned for use at the particular job site. Said container may only be used for materials for which it is suitable, as determined by the City Sanitation Division or as specified by the Abilene City Code. Blowing trash, paper, building materials packaging, and other construction site related debris, allowed to collect or accumulate outside the property boundaries for which a permit has been issued, in other than an approved container, shall constitute a violation of this section of the City of Abilene Code. Such violations shall be subject to enforcement provisions as provided for in the Building Code, including stop work order, revocation of permit and fine.

105.9 Bonds. Any person desiring to engage in the business of a general contractor, roofing contractor, or engage in the business of altering, repairing, construction, demolishing, or moving houses or buildings, or any construction work generally followed by building contractors in the City, shall first file with the building official, a surety bond in the penal sum of \$25,000, payable to the City and conditioned on a faithful performance of all of the provisions and regulations of the building code, this chapter, and all other ordinances of the City, and the surety of such bond shall be a company authorized to transact business in the State of Texas. In the event the City has filed on the contractor's bond within the past 3 years, the bond shall increase to the penal sum of \$75,000.

105.10 Contractor's registration required. All contractors shall first file with the building official of the City of Abilene as a registered contractor, as per Section 8-161 of the Municipal Code, Article IV, Licenses and Registration.

Section 106
Construction Documents

106.1 Submittal documents. *{Delete the 2nd sentence and insert the following.}* ... The construction documents shall be prepared by a registered design professional in accordance with the **State of Texas Board of Architectural Examiners**, Article 249a, *Vernon's Texas Civil Statutes*, and the **Texas Engineering Practice Act**, Article 3271a, *Vernon's Annotated Texas Statutes*. In addition, buildings with clear spans exceeding 24 feet shall have the foundation and structural members designed by a professional engineer. *{The remainder of paragraph remains the same.}*

106.3 Examination of documents. *{Add the following sentence to the end of the paragraph.}* The structural plans may be accepted and approved without detailed plan review when affixed with the seal of a Texas State Licensed Professional Engineer.

106.5 Retention of construction documents. *{Delete in its entirety and insert the following.}* One set of approved plans, specifications, and computations shall be retained by the building official, in accordance with the City of Abilene Record Retention Plan; and one set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

Section 107
Temporary Structures and Uses

{Delete in its entirety and insert the following.}

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

107.2 Definition. A temporary building is a building that does not comply with all the codes and standards customarily required of permanent buildings, but which is permitted to be used for a limited time under the conditions stated herein. When approved, a temporary building may consist of more than a single structure.

One-story, detached accessory buildings used as tool or storage sheds, or play houses, with projected roof area not exceeding 120 square feet, as defined in the building code, are exempt from these requirements.

107.3 Permitted uses. Permits for temporary buildings may only be issued for the following uses:

1. To permit a continued function of the business in cases where a business has been damaged or destroyed by fire or natural disaster; or
2. To provide facilities for short-term/seasonal needs or interim facilities while permanent facilities are being developed and constructed.

107.4 Duration of use. Temporary building use is limited to a period of not more than 6 months within a 12-month period. A site shall be defined as all property under one ownership, surrounded by a continuous property line, and may include one or more lots.

Exceptions: Temporary buildings or trailers used by non-profit organizations for the exclusive use of obtaining donated items may request unlimited 6 month extensions granted by the building official, provided a containment fence is maintained in place at all times and no utilities are connected to the structure.

If a temporary building causes a hazardous condition to develop at any time it is in existence, the building official may require that the temporary building be removed or brought up to standards required for a permanent building. If, in the opinion of the City Engineer, the temporary building is creating additional run-off from the property or is causing a drainage problem, he/she may require that these problems be mitigated or that the building be immediately removed.

107.5 Permit process and fees. Application for a permit shall be made with the Building Inspection Division. The application must receive approval from the following divisions: Planning, Engineering, and Fire.

The temporary building may be required to meet permanent structure standards when a hazard would be created by a non-complying temporary building.

Permit fees shall be the same as required for permanent buildings and shall be paid to the City prior to the issuance of the permit or installation of the building. Double fee shall be required when a building is installed prior to a permit being issued.

107.6 Guidelines. Temporary structures shall comply with the following requirements.

1. Submit a plot plan identifying location of building on the site and intended use.
2. Obtain a building permit, prior to installation.
3. Meet setbacks and comply with zoning district requirements for specific use.
4. Adequate parking shall be provided in accordance with the Zoning Ordinance, and located on an impervious surface, and comply with the Storm Water Management Ordinance.
5. Electrical connections shall be in compliance with the Electrical Code, adopted by the City of Abilene. When direct electrical connections are used in lieu of a meter on a separate power pole, the building shall be tied down against wind loads.
6. Temporary buildings in excess of 200 square feet shall provide toilet room facilities on site. This may be met by a written agreement of access to toilet facilities with another business on same lot, or adjacent lot. Portable toilet facilities are not acceptable except for facilities used for non-profit organizations, for the exclusive use of obtaining donated items, when there is not a toilet facility on the same lot.
7. Food or beverage uses shall obtain a Health Permit from the Health Department.
8. It is the responsibility of the permit applicant to move the temporary building within the time frames identified by the ordinance. Failure to remove a structure at the end of 6 months will be treated as a Class C misdemeanor and further requests for temporary permits to that applicant will be issued upon the

submission of a \$1,000 bond guaranteeing removal upon expiration of the stated time period.

Section 108

Fees

108.2 Schedule of permit fees. *{Add the following at end of paragraph.}*

Fees for building permits are set by Abilene City Council Resolution. Appendix A references approved fees at the time of adoption of this Code. Fees published in this document are subject to change by Council action.

108.4 Work commencing before permit issuance. *{Add following at end of paragraph.}*

The investigation fee for work done without a permit shall be equal to the amount of permit fee required by this Code; however, subsequent work commenced without obtaining a permit within 12 months of the previous violation shall be assessed a ten times fee for re-roofing, plumbing, mechanical, electrical and irrigation work.

108.6 Refunds. *{Delete in its entirety and insert the following.}* The building official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 110

Certificate of Occupancy

110.3 Temporary occupancy. *{Add the following at the end of the paragraph.}*

Fees as set by City Council resolution for temporary occupancy certificates shall be paid prior to the inspection. The contractor or owner shall submit a letter identifying any outstanding items to be completed and designating the date of completion.

Section 112

Board of Appeals

{Delete in its entirety and add the following.}

112.1 General. The "Board of Building Standards", as established in Chapter 8, Sec. 8-361, et seq., of the City Code of the City of Abilene, is charged with hearing appeals from any decision of the building official concerning the Building Code. Any reference to the Board of Appeals in the Building Code shall be construed to mean the Board of Building Standards, as established in Chapter 8, Sec. 8-361 et seq., of the Abilene City Code. In the event the Board should be of the opinion that any provision or provisions of this code be amended, it shall make such recommendation to the City Council for consideration.

**Section 113
Violations**

113.3 Prosecution of violation. *{Amend to read as follows.}* If the notice of violation is not complied with promptly, the building official, or his/her deputy, is authorized to issue citations, or to request the legal counsel ...*{The remainder of paragraph remains the same.}*

113.4 Violation penalties. *{Add at the end of the paragraph.}*

Any such violation shall be a misdemeanor and upon conviction thereof, shall be punishable by a fine, not to exceed \$2,000. Each day a violation of any of the provisions of this Code is committed, or each day any such violation continues, shall constitute a separate offense and shall be subject to prosecution as stated above.

**Section 114
Stop Work Order**

{Add the following subsection.}

114.2.1 Construction debris. Whenever work is being done that is authorized by a permit and construction debris from that work is not confined to the property on which the work is located, and blowing trash is not confined in an approved container, as specified in Section 105.7, the building official or his representative may order the work stopped.

**CHAPTER 4
REPAIRS**

**Section 406
Accessibility**

406.1 General. *{Delete in its entirety and add the following.}* Accessibility shall be in accordance with the Texas Accessibility Standards.

**CHAPTER 5
ALTERATIONS – LEVEL 1**

**Section 503
Building Elements and Materials**

503.3 Materials and methods. *{All references to the “ICC Electrical Code” shall be amended to read “City of Abilene Electrical Code”.}*

**Section 506
Accessibility**

506.1 General. *{Delete in its entirety and add the following.}* Accessibility shall be in accordance with the Texas Accessibility Standards.

**CHAPTER 6
ALTERATIONS – LEVEL 2**

**Section 608
Electrical**

{All references in this section to the “ICC Electrical Code” shall be amended to read “City of Abilene Electrical Code”}.

**CHAPTER 8
CHANGE OF OCCUPANCY**

**Section 808
Electrical**

{All references in this section to the “ICC Electrical Code” shall be amended to read “City of Abilene Electrical Code”}.

**CHAPTER 10
HISTORIC BUILDINGS**

**Section 1004
Alterations**

{Delete this section in its entirety and add the following.} Accessibility shall be in accordance with the Texas Accessibility Standards.

**Section 1005
Change of Occupancy**

{Delete this section in its entirety and add the following.} Accessibility shall be in accordance with the Texas Accessibility Standards.

**CHAPTER 11
RELOCATED OR MOVED BUILDINGS**

**Section 1101
General**

1101.2 Conformance. *{Amend the first sentence to read as follows.}* The building shall be safe for human occupancy as determined by the *International Fire Code* and the *1991 Housing Code*.

Chapter 12
COMPLIANCE ALTERNATIVES

Section 1201
General

1201.3.2 Compliance with other codes. *{Amend to read as follows.}* Buildings that are evaluated in accordance with this section shall comply with the *International Fire Code* and *1991 Housing Code*.

APPENDIX "A"

CITY OF ABILENE BUILDING PERMIT FEES

Minimum Permit Fee	30.00
Reinspection Fee	30.00
Demolition (Residential)	25.00
Demolition (1-Story Commercial Structures)	100.00
Demolition (Multi-Story Commercial Structures)	500.00
Residential New Construction & Additions (Enclosed Area)	.10 sq.ft.
Residential Carports & Storage Buildings (Under 800 sq. ft.)	.04 sq.ft.
Residential Garage Enclosures	.05 sq.ft.
Foundation Only	50.00
Mobile Home Permit	50.00
Swimming Pool or Spa (Per \$1,000 Worth of Valuation)	3.00
Certificate of Occupancy Inspection (Not Associated with Other Building Permit)	50.00
Address Fee Change	100.00
Plan Review Fee – 25% of the assessed permit fee payable upon submittal. 25% to be credited upon issuance of Building Permit	

Building Permit Fees by Valuation

Table A is used to assess fees for new commercial, commercial add-ons and alterations, residential alterations, apartments and buildings with four or more dwelling units per building, and satellite dishes and towers.

TABLE A

Total Valuation	Fee
< \$2,000	\$30.00
\$2,001 - \$50,000	\$30.00 for the first \$2,000 plus \$4.50 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 - \$500,000	\$246.00 for the first \$50,000 plus \$3.50 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 and up	\$1,821 for the first \$500,000 plus \$2.00 for each additional \$1,000, or fraction thereof

HOUSE MOVING PERMIT FEES

House Moving Permit	100.00	100.00
If passing under a Traffic Control Device	50.00	50.00
If a Traffic Control Device must be Moved	150.00	150.00

ROOFING PERMIT FEES

Over Five (5) squares - \$.25 Per Square plus \$10.00	minimum of 30.00
Five (5) Squares or under	No Charge

TOWERS AND SATELLITE DISHES

Refer to Commercial Structures in Table A, Based on Fee by Value	minimum of 250.00
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FENCES

Over 7' high (\$3.00 per \$1,000 Worth of Valuation)	minimum of 30.00
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FIREPLACES

\$3.00 Per \$1,000 Worth of Valuation	minimum of 30.00
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GRADING PERMIT FEES

50 Cubic Yards or Less	\$20.00
51 to 100 Cubic Yards	\$22.50
101 to 1,000 Cubic Yards	\$22.50 for the first 100 yards, plus \$10.50 for each additional 100 cubic yards or fraction thereof.
1,001 to 10,000 cubic yards	\$117.00 for the first 1,000 cubic yards, plus \$9.00 for each additional 100 cubic yards, or fraction thereof.
10,001 to 100,000 cubic yards	\$198.00 for the first 10,000 cubic yards, plus \$40.50 for each additional 10,000 cubic yards or fraction thereof.

SWIMMING POOL CONTRACTOR FEES

License Fee for Swimming Pool	\$100.00
Annual Renewal Fee for Swimming Pool Contractor	75.00
License Fee for Above Ground Pools & Spas Contractors	50.00
Annual Renewal Fee for Above Ground Pools & Spas Contractors	25.00
Annual Renewal Fee for Inactive Swimming Pool Contractor	25.00
Swimming Pool Construction Permit Fees (per \$1,000 worth of valuation)	3.00
Minimum Swimming Pool Construction Permit Fee	30.00

OTHER INSPECTIONS AND FEES

Inspections outside of normal business hours (Minimum Charge-one hour)	50.00
Special Request Inspections (Minimum Charge-one hour)	50.00
Board of Building Standards and Mechanical, Plumbing, Electrical, and Swimming Pool Board of Appeals request for hearing for alternate methods and materials	50.00
Contractor's Registration (annually, due by December 31 of each year)	50.00
Temporary Certificate of Occupancy	100.00
Extension Request for Temporary Certificate of Occupancy (per extension)	500.00