

ORDINANCE NO. 2009-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, REPEALING THE CURRENT SECTIONS 3-5-1 AND 3-5-2 OF ARTICLE 3-5, "ONE AND TWO FAMILY DWELLING CODE", OF CHAPTER 3, "BUILDING REGULATIONS", OF THE CITY OF ODESSA CODE OF ORDINANCES; ADOPTING NEW SECTIONS 3-5-1 AND 3-5-2 OF ARTICLE 3-5, "ONE AND TWO FAMILY DWELLING CODE", OF CHAPTER 3, "BUILDING REGULATIONS"; ADOPTING AN AMENDED VERSION OF THE 2006 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS AND SUBSEQUENT 2006 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS SUPPLEMENTS IN ORDER TO REGULATE THE CONSTRUCTION, ALTERATION, ADDITION, REPAIR, REMOVAL, DEMOLITION, USE, LOCATION, OCCUPANCY AND MAINTENANCE OF ALL BUILDINGS AND STRUCTURES AND THEIR SERVICE EQUIPMENT, TOGETHER WITH CERTAIN RELATED MATTERS; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Odessa desires to adopt an amended version of the 2006 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS, and the 2006 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS Supplements, the same to replace the City's existing one and two family dwelling code as amended; and

WHEREAS, the City of Odessa desires that there be no interval or intervening time between the effective date of this ordinance and the date of repeal of existing ordinances, and that this ordinance will not in any way repeal such existing ordinances until after publication and this ordinance is legally in effect;

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

Section 1. That the current Sections 3-5-1 and 3-5-2 of Article 3-5, "One and Two Family Dwelling Code", of Chapter 3, "Building Regulations" of the City Code are to be repealed and that new Sections 3-5-1 and 3-5-2 of Article 3-5, "One and Two Family Dwelling Code", of Chapter 3, "Building Regulations", of the City Code are hereby adopted, which Sections shall read as follows:

Chapter 3 Building Regulations
Article 3-5 One and Two Family Dwelling Code

Sec. 3-5-1 Adoption

The 2006 International Residential Code for One- and Two-Family Dwellings, as amended by subsequent provisions of this chapter and the 2006 International Residential Code for One- and Two-Family Dwellings Supplements, is hereby adopted by the City.

Sec. 3-5-2 Amendments

The hereinafter set forth amendments to the 2006 International Residential Code for One- and Two-Family Dwellings, is hereby adopted by the City. When an amendment consists of a revision of an existing article, section, subsection, table or other portion of the 2006 International Residential Code for One- and Two-Family Dwellings, the language of such amendment, to the extent that it is not in conflict with this ordinance, shall supersede the language of the respective portion amended. Amendments to the 2006 International Residential Code for One- and Two-Family Dwellings, consisting of the addition of new articles, sections, subsections, errata, tables, appendices, or other portions shall constitute supplements to such code. Any references to the code, building code, this code, etc., shall mean the code and the adopted appendixes and supplements.

Part I. Administrative.

Chapter 1. Administration.

Section R101. Title, scope, and purpose. *Amend to read as follows:*

R101.1 Title. These regulations shall be known as the International Residential Code for One- and Two-Family Dwellings of the City of Odessa, Texas, hereinafter referred to as "this code."

R101.2 Scope. *Amend the end of the first paragraph as follows:*

... in the City; except as such matters are otherwise provided for in other ordinances or statutes, or in the rules and regulations authorized for promulgation under the provisions of this code. The plumbing, fuel gas, mechanical, and electrical codes as adopted by the City shall take precedence over those respective sections in the 2006 International Residential One- and Two-Family Code.

R102.8 *Amend to include the following:*

R102.8 Previous approvals. This code shall not require changes in the plans, construction or designated use of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which shall have been actively pursued within six (6) months after the effective date of this ordinance and completed with dispatch.

Amend to read as follows:

Section R103. *Amend the title to read as follows-* Department of Building Inspection.

R103.1 Creation of enforcement agency. Amend to read as follows:

The Department of Building Inspection is hereby created and the official in charge shall be known as the Building Official.

R104.12 *Add the following:*

R104.12 Matters not provided for. Any requirement determined by the Building Official to be essential for structural, fire, or sanitary safety of an existing or proposed building or structure or essential for the safety of the occupants thereof, and which is not specifically covered by the Building Code, shall be recommended by the Building Official and considered by the City Council for coverage and inclusion in said Building Code by amending the ordinance. During such time as such requirement can be considered for coverage and inclusion in said Building Code by the

City Council by amending the ordinance, the Building Official is authorized to issue a stop work order as provided in R114.2 of the Building Code, in order to prevent the commencement or continuation of construction of any proposed building or structure until the City Council has had an opportunity to provide for such situation not specifically covered by the Building Code. Any stop work order issued under the authority of this section shall be effective for no longer than ninety (90) days.

Section R105. Permits.

105.1.1 Contractor's registration required. Any person or firm desiring to engage in the business of a general contractor or engage in the business of altering, repairs, construction, demolition, or moving in the City shall first register with the Building Official.

R105.2 Work exempt from permit. *Amend this section as follows:*

Building:

1. *Amend the paragraph as follows:* One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the roof area does not exceed sixty (60) square feet, the outside wall height does not exceed six (6) feet eight (8) inches, it is not placed upon a concrete slab, it is not located over a buried gas line, it has code-required clearance from overhead electrical lines, it is not connected to nor has any electrical or plumbing within, and it is not located in an easement or setback required by the zoning ordinance.

2. *Delete as written and all the following:* Residential front yard fences not over eighteen (18) inches high that are located entirely on private property and fences less than eight (8) feet in height located to the rear of a residence. Fence permits will be required for all fences adjacent to and within twenty five (25) feet of any public street.

5. *Add to the end of the paragraph:* ... accessible route unless in public right-of-way.

Add the following note to end of exemptions:

Note: The exemptions noted above are not to be construed to allow the construction of any item in violation of any Building Code; zoning ordinance or any other City ordinance.

Amend to add the following:

R105.9 Permit card. The permit card shall be posted and visible at all times for all inspections and for all construction until the completion of the project.

Exception: Permit cards are not required for new home construction.

Amend to add the following:

105.10 Address posting. A visible address is to be posted at each job site. The address numbers must be a minimum of six (6) inches high and clearly visible from the street.

Amend to add the following:

105.11 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. Blowing trash, paper, building materials packaging, and other site-related debris allowed to collect or accumulate outside the property boundaries shall constitute a violation of the City Code. Such violations shall be subject to enforcement provisions as provided for in the Building Code and/or Code of Ordinances,

including, but not limited to, stop work order, revocation of permit and/or fine.

Section 106. Construction documents.

106.1 Submittal documents. *Delete the second sentence and insert the following:* ... The construction documents shall be prepared by a registered design professional in accordance with the state board of architectural examiners, chapter 1051, Texas Occupations Code, and the Texas Engineering Practice Act, chapter 1001 Texas Occupations Code. The remainder of the paragraph remains the same.

R106.3 Examination of documents. *Add the following to the end of the paragraph:*

The structural plans may be accepted and approved by the Building Official without detailed plan review when the plans show the affixed seal of a state-licensed professional engineer and/or architect.

106.5 Retention of construction documents. *Delete in its entirety and insert the following:*

One (1) set of approved plans, specifications, and computations shall be retained by the Building Official and one (1) set shall be kept on the construction site of the building at all times during which the work authorized by permit is in progress.

Section R107. Temporary structures and uses.

R107.3 Temporary power. *Change the end of the paragraph to read as follows:*

...NEC (National Electrical Code) as adopted by the City.

Section R108. Fees.

R108.5 Refunds. *Delete as written and amend as follows:*

A written request for a refund of any permit fee shall be submitted within thirty (30) days of the issue of the permit. There shall be no refund on a minimum permit fee, an expired permit or a permit that has been voided; a maximum refund on any permit shall not exceed ninety (90) percent of the permit fee. The Building Official shall determine the amount of a refund. Refunds shall be made by the accounting department upon written request from the Building Official.

108.4 Work commencing before permit issuance. *Amend to change the paragraph to read as follows:* Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to double permit fees and/or a citation for violation of City Ordinance.

Exception: Specific work authorized to start with written authorization by the Building Official prior to the issuance of a permit.

R108.7 Reinspection fees. *Add amendment as follows:*

Reinspection fees shall be paid at the Building Inspection Division office prior to a reinspection.

Section R109. Inspections.

Add the following to the end of the paragraph:

R109.1.3.1 Floor height verification inspection. Prior to pour of concrete, buildings shall have an inspection to verify the minimum finished floor elevation is twelve (12) inches above the highest adjacent curb elevation; or, for paved streets without curb and gutter, twelve (12) inches above the highest crown of the paved streets adjacent to the property; or to the minimum elevations height as required by the City Engineering Division.

All buildings shall have a finished floor elevation set a minimum of twelve (12) inches above the highest level of the top of the curb adjacent to the property, or greater if the 100-year flood elevation is more than twelve (12) inches above the top of the curb. All finished floors in designated flood hazard areas shall be a higher elevation than the 100-year storm elevation as defined by the Federal Emergency Management Agency in a published report entitled "The Flood Insurance Study for Ector County Texas and Incorporated Areas," dated October 20, 1998, with accompanying flood insurance rate maps (FIRM) and any revisions thereto, which are hereby adopted by reference and declared to be a part of this ordinance.

Exception: Any substantial improvement to an existing structure would be required to conform to the finished floor elevation as determined by the Engineering Division. A "substantial improvement" shall mean any repair, reconstruction or addition to a structure which exceeds fifty (50) percent of the market value of the structure, or if the square footage of the addition exceeds fifty (50) percent of the square footage of the existing structure.

Add the following amendment:

R109.5 Buildings moved into or within the City. Buildings and structures moved into or within the City shall be inspected prior to the issue of a building permit and shall meet all City codes and ordinances.

Section R112. Board of appeals.

Section 112. General. The Building Board of Appeals is hereby created, in order to hear and decide appeals or orders, decisions or determinations made by the Building Official relative to the application and interpretation of the building code; the one- and two family dwelling code; the plumbing code; the fuel and gas code; the mechanical code; the electrical code; the energy conservation code; the existing building code; the performance code; or the property maintenance code. The Building Official shall be an ex officio member of said board but shall have no vote on any matter before the board.

R112.5 Application for appeal. Upon submittal of an appeal and payment of the filing fee, a person shall have the right to appeal a decision of the Building Official to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the Building Official within twenty (20) days after the notice was served. The board shall have no authority to waive requirements of the code.

R112.2.1 Determination of substantial improvement in areas prone to flooding. *Delete this section. Refer to Engineering Division flood zone requirements.*

Section R113. Violations.

R113.4 Violations penalties. *Change to read as follows:*

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 code, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000.00). Each day that a violation continues shall be deemed a separate offense.

Section R114. Stop work order.

R114.2 Unlawful continuance. *Change to read as follows:*

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than two thousand dollars (\$2,000.00). Each day that a violation continues shall be deemed a separate offense.

Part III. Building Planning and Construction.

Chapter 3. Building Planning.

Section R301. Design criteria. *Add the following to the end of the paragraph:*

R301.1 Floodplain inspection–Minimum floor elevation. All buildings shall have a finished floor elevation set a minimum of twelve (12) inches above the highest level of the top of the curb adjacent to the property, or greater if the 100-year flood elevation is more than twelve (12) inches above the top of the curb. All finished floors in designated flood hazard areas shall be a higher elevation than the 100-year storm elevation as defined by the Federal Emergency Management Agency in a published report entitled “The Flood Insurance Study for Ector County Texas and Incorporated Areas,” dated October 20, 1998, with accompanying flood insurance rate maps (FIRM) and any revisions thereto, which are hereby adopted by reference and declared to be a part of this section.

Exception: Any substantial improvement to an existing structure would be required to conform to the finished floor elevation as determined by the Engineering Division. A “substantial improvement” shall mean any repair, reconstruction or addition to a structure which exceeds fifty (50) percent of the market value of the structure, or if the square footage of the addition exceeds fifty (50) percent of the square footage of the existing structure.

Table R301.2.1 Climatic and Geographic Design Criteria. *Insert the following:*

GROUND SNOW LOAD: 5 PSF
WIND SPEED: 90 MPH
SISMIC DESIGN CATEGORY: B
WEATHERING: MODERATE
FROST LINE DEBTH: 12 INCHES
TERMITE: MODERATE TO SLIGHT
WINTER DESIGN TEMP: 20-32
ICE BARRIER UNDERLAYMENT REQUIRED: NO

FLOOD HAZARDS: YES
AIR FREEZING INDEX: 250
MEAN ANNUAL TEMP: 64° F

Section R321. Site address. Amend to add the following to the end of the paragraph:

R321 Premises identification. Address letters shall be a minimum of three (3) inches in height, posted a minimum of seven (7) feet above the finished grade and of a color contrasting with the background color it is placed upon.

Section R324. Flood-resistant construction.

Delete the exception as written and add the following:

R324.1 General.

Exception: No construction is allowed in identified floodways.

Amend to read as follows:

R324.3.2 Elevation requirements. Amend item to delete as written and insert as follows:

1. Buildings and structures shall have the lowest floors elevated to a finished floor level a minimum of one (1) foot above the design flood elevations or as required by the Engineering Division of the City.

Chapter 4. Foundations.

Amend to add the following:

R403.1.1.2 Footing/foundation reinforcement. Add the following:

Two pieces of 1/2" concrete rebar shall be installed in the bottom three inches 3" of each foundation or footing. In addition, a 1/2' x 20' length of concrete reinforcing rod shall be installed for use as a grounding conductor in the bottom three (3) inches of the footing and bent up at one end so that a minimum of six (6) inches is exposed above the finished floor at a point where the electrical grounding may be attached.

Exception: Foundations designed by a licensed professional engineer.

Section R506. Concrete floors on ground.

Add amendment as follows:

R501.2.1 Minimum floor elevation. See amendment section R109.1.3.1

Add amendment as follows:

R506.3 Floor underneath water heater. In lieu of a drain pan as required by the Plumbing Code, the floor beneath water heaters shall be repressed a minimum of two (2) inches or a shower type base installed with a drain to the outside of the structure terminating a minimum of three (3) inches above the finish grade.

Section 2. That the herein adopted amended version of the 2006 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS shall be in full force and effect 30 days after its adoption. On the date that the said amended version of the 2006 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS is in full force and effect, then Ordinance No. 2002-31 as amended and such other and further existing ordinances as are inconsistent and incompatible with any provisions of the herein adopted amended version of the 2006 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS shall be wholly repealed. In addition, nothing in this ordinance shall be construed to invalidate or cause to be void any of those provisions of the 2006 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS that are not amended in this ordinance. Provided, further, that notwithstanding any of the foregoing, all buildings, structures, work, etc. for which a permit has been issued and/or work legally begun prior to the date the said amended version of the 2006 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS is in full force and effect shall continue to be constructed, repaired, altered, moved, etc., under the provisions of the presently existing codes of the City of Odessa.

Section 3. That nothing contained in this ordinance shall in any manner whatsoever change, alter or otherwise affect the commission of or punishment for any offense, crime or act committed or done prior hereto, or any penalty or forfeiture incurred, or any prosecution whatsoever, or any suit or other proceedings pending, or any judgment rendered on or before the passage and publication of this ordinance, nor shall anything herein change, alter or otherwise affect any cause or action, contract or right established or accruing to the City or to any person, association or corporation, or any contract or obligation by or in favor of the City before same.

Section 4. If any section, subsection, sentence, clause or phrase herein is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of same shall not be affected thereby, it being the intent of the City Council in passing and adopting this ordinance that no portion hereof or provisions or regulations contained herein, shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, portion, provision or regulation.

Section 5. That any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$2,000.00 as provided in Section 1-1-9, "General Penalty, continuing violations, right of entry, enforcement officers" Chapter 1, Odessa City Code, which section is adopted by reference and made a part hereof. Each day any such violation shall continue shall constitute a separate offense.

Section 6. The City Secretary is hereby directed to effect such publication as may be required by law in connection with the passage of this ordinance.

The foregoing ordinance was first approved on the 11th day of August, A.D., 2009, by the following vote:

Bill Cleaver	AYE
James B. Goates	AYE
Royce Bodiford	AYE
Dean Combs	AYE
Benjamin Velasquez	AYE

The foregoing ordinance was adopted on second and final approval on the 25th day of August, A.D., 2009, by the following vote:

Bill Cleaver	AYE
James B. Goates	AYE
Royce Bodiford	AYE
Dean Combs	AYE
Benjamin Velasquez	AYE

Approved this the 25th day of August, A.D., 2009.

Larry L. Melton, Mayor

ATTEST:

Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

Larry Long, City Attorney