

**ORDINANCE NO. 2016-\_\_\_\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS; REPEALING SECTIONS 3-2-1 ENTITLED "ADOPTION" AND 3-2-2 ENTITLED "AMENDMENTS" OF ARTICLE 3-2, "BUILDING CODE", OF CHAPTER 3, "BUILDING REGULATIONS", OF THE CITY OF ODESSA CODE OF ORDINANCES; ADOPTING NEW SECTIONS 3-2-1 AND 3-2-2 OF ARTICLE 3-2, "BUILDING CODE", OF CHAPTER 3, "BUILDING REGULATIONS", OF THE CITY OF ODESSA CODE OF ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

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

**Section 1.** That Section 3-2-1 entitled "Adoption" shall be repealed and replaced as follows:

**Sec. 3-2-1 Adoption**

The 2012 International Building Code, as amended by subsequent provisions of this chapter and the 2012 International Building Code Supplements, is hereby adopted by the City.

**Section 2.** That Section 3-2-2 entitled "Amendments" shall be repealed and replaced as follows:

**Sec. 3-2-2 Amendments**

The hereinafter set forth amendments to the 2012 International Building Code are hereby adopted by the city. When an amendment consists of a revision of an existing article, section, subsection, table or other portion of the 2012 International Building Code, the language of such amendment shall supersede the language of the respective portion amended. Amendments to the 2012 International Building Code, consisting of the addition of new articles, sections, subsections, errata, tables 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.

## CHAPTER 1. SCOPE AND ADMINISTRATION

### SECTION 101. GENERAL

*Amend to read as follows:*

#### [A] 101.1 Title.

These regulations shall be known as the Building Code of the City of Odessa, Texas, hereinafter referred to as "this code."

*Amend the end of the first paragraph as follows:*

#### [A] 101.2 Scope.

...within the city or within Industrial Districts regulated by 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.

### SECTION 102. APPLICABILITY

*Amend to add the following subsection:*

#### [A] 102.7 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 ordinance. Pending such

time as such requirement can be considered for coverage and inclusion in said building code by the city council by amending ordinance, the building official is authorized to issue a stop work order as provided in 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 103. DEPARTMENT OF BUILDING SAFETY

*Amend to read as follows:*

##### [A] 103.1 Creation of enforcement agency.

The department of building inspection is hereby created and the official in charge shall be known as the building official.

#### SECTION 104. DUTIES AND POWERS OF BUILDING OFFICIAL

*Delete this paragraph as written and insert the following:*

##### [A] 104.10.1 Flood Hazard Areas.

Refer to the Floodplain manager in the City of Odessa Engineering Division.

*Amend to read as follows:*

##### [A] 104.11 Alternative Materials, design and methods of construction and equipment.

The provisions of this code are not intended to prevent the installation of any material or prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved* prior to its installation or use. An alternative materials, designs and method must be clearly identified in plans and documents submitted for permit with an attached written request for review and approval prior to the issue of the permit. 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 provision of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of

that prescribed in this code in quality, strength, effectiveness, fire resistance durability and safety.

## SECTION 105. PERMITS

*Delete as written, insert the following:*

### [A] 105.1.1 Contractor registration required.

Any person, firm or company in the business of offering services as a general contractor or offering to perform services for alterations, repairs, constructing, demolition, or moving any structure, any portion of a structure that are regulated by the codes and ordinances this adopted by the City of Odessa in the city shall first register with the building official in the Building Inspection Office.

*Delete the following in its entirety:*

### [A] 105.1.2 Annual permit records.

*Amend to read as follows:*

### [A] 105.2 Work exempt from permit.

Building:

1. One-story detached accessory structures with a finished wall height less than 7' in height ; used as residential accessory use for a tool or storage sheds, playhouses and/or similar uses, provided the roof area does not exceed 100 square feet; is not placed upon a concrete slab; is not located over a gas line; without the installation of plumbing or electrical within or on the structure; and is in compliance with applicable City codes and City ordinances; is not installed within, on, or encroaching over any easement.
2. Residential front yard fences not over eighteen (18) inches high above the natural grade of the lot or the top of the adjacent street curb and are located on private property or for a residential rear yard fence that is six feet or less in height above the natural grade of the lot located in the rear half of the lot, are less than eight (8) feet in height above natural grade located in the rear half of a residential

lot. The issue of a permit for installation or alteration of a fence is required for a fence or barrier adjacent to or within 25' (twenty five feet) of any street or along the property line adjacent to an alley. A fence or barrier encroaching or located in the public right of way or dedicated easement will first require the issue of a right of way or street use permit from the City Engineering Department. The issue of a building permit for a fence shall not void or supersede the requirements of the Engineering Department Permit or Zoning ordinances.

3. Oil derricks. *Add the following:* Permits for Oil derricks or related drillings operations, the use of drilling fluids, mud, pumping units or similar equipment and/or operations shall be permitted through the office of the Director of Public Works.

6. *Add to the end of the paragraph:* ... accessible route, unless required by city ordinance or as a condition of an approved variance; unless located within an easement; unless located in the public right-of-way; or unless it is part of a drive approach or transition from the street or public Right-of-Way onto the property.

*Amend to add to the end of the paragraph:*

[A] 105.7 Placement of Permit.

As required by the building official, City permit cards must be on public display on the structure in full unobstructed view of the public until the final inspections have been completed. The building official may waive the requirement for placement of an on-site permit card. Permits to remodel and alter projects shall be posted as required.

*Amend to add the following subsections:*

[A] 105.8 Posting of address

[A] 105.8.1 While under construction

The assigned address shall be posted at each project site with 6 inch character letters, posted 7 feet above finished grade in full, unobstructed view of the street it is addressed from.

[A] 105.8.2 Upon Completion

The address numbers must be posted seven (7) feet above the finish grade on the building features facing the street, or in a location approved by the building official. The address shall be in full unobstructed view of the public, clearly visible from the street, installed with character letters a minimum of six (6) inches in height and a minimum of ½ inch wide character stroke. The color of the characters must contrast to the background to which it is affixed.

SECTION 107. SUBMITTAL DOCUMENTS

*Amend to read as follows:*

[A] 107.1 General.

Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report, and other data shall be submitted in two or more sets with each permit application. Upon the request of the building official and as required by the statutes of The State of Texas and 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, or the City of Odessa, the *construction documents*, shall be prepared by a *registered design professionals*. Where special conditions exist, the building official is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

*Amend to add the following subsection:*

[A] 107.6 Storm water permit and plan.

As required by the State of Texas and the City of Odessa, a copy of the NPDES/TPDES permit and a Storm Water Pollution and Prevention plan shall be prepared by qualified entity and submitted to the City of Odessa Storm Water Manager for review and approval prior to the issue of a building related permit.

SECTION 109. FEES

*Delete as written, insert the following:*

[A] 109.6 Refunds.

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. The maximum refund on any permit shall not exceed ninety (90) percent of the permit fee but in no case shall the refund exceed the minimum required fee established to charge on any small project. The building official, with approval from the Development Services Manager, shall determine the amount of a refund. Refunds shall be processed by the city accounting department after receiving written approval from the building official.

*Amend to add the following subsection:*

[A] 109.7 Reinspection fee.

A reinspection fee may be assessed at any time it has been determined a portion of work for which an inspection has been requested is not complete, when corrections required by prior inspections have not been completed; when an inspection is requested for an incorrect address; or other due cause as determined by the inspector. Reinspection fees shall be paid at the building inspection division office prior to a reinspection. *(See city ordinance on fees for reinspection fees.)*

SECTION 110. INSPECTIONS

*Amend to add the following subsection:*

[A] 110.3.3.1 Floor height verification inspection.

Each building shall have a finished floor elevation set a minimum twelve (12) inches above the top of the highest curb adjacent to the property. The finished floor level within a designated flood hazard area shall be, as required by the Floodplain Manager, 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. The required finish floor elevation shall be determined by the Floodplain manager in the City of Odessa Engineering Division.

Exception: As established by the Floodplain manager in the City of Odessa Engineering Division, 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.

#### 110.7 Re-inspection.

The permit holder shall inspect each project to determine all items that required corrections in a prior inspection have been corrected prior to requesting a re-inspection. Reinspection fees due must be paid at the building inspection division office prior to each reinspection.

#### [A] 110.8 No alterations without reinspection.

No installations regulated by this code may be altered after it has been inspected without a reinspection to certify the work is in compliance with city codes and ordinances.

### SECTION 114. VIOLATIONS

*Amend to read as follows:*

#### [A] 114.4 Violations and 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 code, shall be guilty of a

misdemeanor punishable by a fine of not more than two thousand dollars (\$2000.00).

Each day that a violation continues shall be determined a separate offense.

#### SECTION 115. STOP WORK ORDER

*Amend to read as follows:*

##### [A] 115.3 Unlawful continuance.

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

*Amend to add the following sections:*

#### SECTION 117. TRASH AND DEBRIS CONTAINMENT

##### [A] 117.1 Containment of trash and debris.

It is the responsibility of each permit holder and/or each contractor and /or each property owner to make provisions to collect and contain or confine trash, spoils or debris resulting from construction activity, construction workers, or construction machinery, to the property under construction. Trash, paper, building packaging, and other construction related debris or spoils that is placed on, allowed to blow or accumulate outside the property boundaries shall constitute a violation of this section of the city code. At no time shall trash or debris be allowed to blow into the street or right of way or interfere with vehicular traffic. Such violations shall be subject to enforcement provisions as provided for in the building code and/or the City of Odessa Code of Ordinances, including stop work order and/or the revocation of permits and/or fines.

#### SECTION 118. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

##### [A] 118.1 Climatic and Geographic Design Criteria.

GROUND SNOW LOAD

5 PSF

WIND SPEED:	90 MPH
SISMIC DESIGN CATEGORY:	B
WEATHERING:	MODERATE
FROST LINE DEPTH:	12 INCHES
TERMITE:	MODERATE TO SLIGHT
WINTER DESIGN TEMP:	20-32
ICE BARRIER UNDERLAYMENT:	NOT REQUIRED

## CHAPTER 2. DEFINITIONS

*Amend to add the following definitions:*

Emergency work – Work resulting from catastrophic events arising from conditions outside the control of the property owner or contractor that require unplanned, unscheduled work to facilitate repair(s) to prevent harm to persons or property.

Industrialized Building - (As defined by the Texas Industrialized Housing & Buildings Act.) A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation, constructed, inspected and certified under the Texas Industrialized Modular Construction Program as regulated and inspected by the Texas Department of Licensing and Regulation.

Industrialized Housing - (As defined by the Texas Industrialized Housing & Buildings Act.) A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected

or installed on a permanent foundation, constructed inspected and certified under the Texas Industrialized Modular Construction Program as regulated and inspected by the Texas Department of Licensing and Regulation.

Site development permit – Permit to clear and prepare a construction site limited to the removal and excavation of vegetation and earth related items. Upon approval, site development plans are issued with the full understanding the owner/contractor/permit holder assumes all risk of starting work within the boundary of the property lines prior to the completion of the review of the plans and issue of a building permit and that all work performed will be in accordance with requirements pertaining and included in the issue of the building permit.

Temporary structure- A structure legally placed with issue of permits on property to be utilized for 180 days or less.

## CHAPTER 11. ACCESSIBILITY

### SECTION 1101. GENERAL

*Amend to read as follows:*

#### 1101.1 Scope.

The provisions of this chapter and the requirements of The Texas Accessibility Standards (TAS) of the Architectural Barriers Act, article 9102 Texas Civil Statutes, dated September 1, 1999, or as currently amended or adopted by the state, shall control the design and construction of facilities for accessibility to physically disabled persons. Plan review and inspection by the city does not imply compliance with the State of Texas Architectural Barriers Section of the Texas Department of Licensing and Regulation (TDLR). It is the responsibility of each permit holder and property owner to comply with accessibility requirements and required inspections on completed projects as required by TDLR.

#### 1101.2 Design.

Buildings and facilities shall be designed and constructed to be accessible with this code, ICC A117.1 and the requirements of The Texas Accessibility Standards (TAS) of the Architectural Barriers Act, article 9102 Texas Civil Statutes, dated September 1, 1999, or as currently amended or adopted by the state.

## CHAPTER 18. SOILS AND FOUNDATIONS

### SECTION 1808. FOUNDATIONS

*Amend to add the following subsection:*

#### 1808.1.1 Concrete Encased Grounding Electrode

Each foundation installation shall have one 20 feet length of ½ inch (#4) concrete reinforcement bar or other approved copper grounding electrode secured alongside the rebar in the bottom of the foundation required for concrete foundation in the lower 3 inches of the foundation. The 20 feet length of grounding material shall bend on one end at a 90 degree angle and extended above the finished floor level so that six (6) inches is exposed above the finished floor for attachment of electrical grounding. The installation of a grounding electrode is not required where a code compliant concrete encased grounding electrode currently exist. Each concrete encased grounding electrode must be installed and inspected with the foundation steel installation during the foundation inspection.

### SECTION 1809. SHALLOW FOUNDATIONS

*Add the following to the end of the paragraph:*

#### 1809.4 Depth and width of footings

For a one story structure, each foundation and footing shall extend a minimum of 12 inches deep into undisturbed soil or into code compliant mechanically compacted fill. Each footing or foundation shall have a minimum of two (2) one-half inch (1/2") diameter concrete reinforcing bars placed to run continuously in the bottom three (3) inches of each footing. Mechanical compacted fill shall be tested by independent testing

agencies. Foundation rebar must be a minimum of 2 inches from the earth and suspended 3 inches from the bottom of the foundation excavation.

Exception: Foundation and footings designed by a Texas licensed engineer.

## CHAPTER 23. WOOD

### SECTION 2304. GENERAL CONSTRUCTION REQUIREMENTS

*Add the following to the end of the paragraph:*

#### 2304.11.6 Termite protection

Wooden stakes or other materials installed in the excavated foundation or slab area or encased by concrete foundations, footings, or slabs must be code approved termite resistant or termite treated materials. Wooden stakes must certified termite and wood rot resistant materials and labeled by the manufacturer as such as per section 2304.11.7. Cuts made on pretreated lumber must be retreated as per the manufactures requirements.

## CHAPTER 27. ELECTRICAL

### SECTION 2701. GENERAL

*Amend the end of the last sentence to include the following:*

#### [A] 2701.1

... as currently amended and adopted by the City of Odessa.

## CHAPTER 28. MECHANICAL SYSTEMS

### SECTION 2801. GENERAL

*Amend the first sentence to read as follows:*

#### [A] 2801.1 Scope.

Mechanical appliances, equipment and systems shall be constructed, installed and maintained in accordance with the *International Mechanical Code and the International Fuel Gas Code as currently amended and adopted by the City.*

## CHAPTER 29. PLUMBING SYSTEMS

### SECTION 2901. GENERAL

*Amend the first sentence to read as follows:*

[A] 2901.1 Scope.

The provisions of this chapter and the *International Plumbing Code* and *Fuel Gas Code* as currently amended and adopted by the City shall govern the erection, installation, alteration, repairs, relocation, replacement, additions to, use or maintenance of plumbing equipment and systems.

CHAPTER 33. SAFEGUARDS DURING CONSTRUCTION

SECTION 3303. DEMOLITION

*Amend to add the following subsection:*

[A] 3303.8 Cleanup deposit.

To obtain a permit for the demolition of a building or structure within the city or Industrial Districts under the City jurisdiction, if the applicant has not signed a cleanup affidavit with the Building Official, the applicant shall post a six hundred dollar (\$600.00) cash bond with the city to insure that within ten (10) calendar days after the removal or demolition of a structure all foundations projecting above natural grade have been removed; all trash, debris, spoils, dead and discarded plant and vegetation has been removed. In addition it shall insure the property and all existing holes or depressions on the property and in the right-of-way adjacent to the property have been properly filled with approved, clean, fill material and leveled to finished, natural grade. In the event the clean up has not been completed within the ten-day time frame or the project has been abandoned for 10 days without progressive to comply with the clean up requirements, the cash bond will be forfeited to the City.

Exception: In the event the application for moving or demolish is determined to be minor and that there will be no foundations, trash, debris, spoils or materials to clean from the property; the building official may waive the cash bond.

CHAPTER 34. EXISTING BUILDINGS AND STRUCTURES

SECTION 3409. HISTORIC BUILDINGS

*Amend to read as follows:*

3409.1 Historic buildings

The provisions of this code relating to the construction, repair, alteration, addition, restoration and movement of structures, and change of occupancy, shall not be mandatory for historic buildings identified and declared by the State Historical Commission as a historic building, when such buildings are judged by the building official to not constitute a distinct life safety hazard. All such approvals must be based on the applicant's complete submission of professional architectural and engineering plans and specifications prepared by a registered architect and/or engineer and, when required, approval of modifications by the State Historical Commission.

SECTION 3410. MOVED STRUCTURES

*Amend to add the following subsection:*

3410.2 Inspections required.

Structures to be moved are required to comply with the submittal of construction documents as per Section 106 of this code. Prior to the issue of permits, buildings and structures proposed to be moved into or within the city shall first undergo an investigative inspection for code compliance with the provisions of this and other applicable codes and ordinances. The Minimum Building Permit fee shall be paid prior to the inspection. The applicant shall provide detailed estimated of the cost of completion of the improvements prior to the issue of the building permit. All required corrections and improvements shall be made with required permits immediately upon moving the building or structure into the city.

Exception: To prevent damage to the concrete, sidewalks, approaches and required off-street parking, these improvements may be completed after the building has been moved onto the site. However, the required improvements shall be completed prior to the clearance of the connection of water, sewer, gas or electrical utilities and/or the issue of a certificate of occupancy.

### 3410.3 Permit required.

A permit is required to be issued a state licensed and bonded moving contractor prior to moving any structure in excess of eight and one-half (8-1/2) feet in width in any direction or any structure in excess of fourteen (14) feet in height as measured from the pavement. The applicant shall submit for approval by the building official the time and route the structure is to be moved within the city. The permittee shall be responsible for all expenses for required police escorts or services rendered by the city. Valid bond and insurance shall be required to be on file with the building official prior to the issue of a permit to move or relocate any structure from one property to another property. Permits for moving structures shall not be transferable to another moving contractor or to other structures and shall be limited to thirty (30) days from the date of issue.

### 3410.4 Cleanup deposit.

For the moving of a structure from a site, if the property owner has not signed a cleanup affidavit with the Building Official, the property owner or property owner's agent shall post a six hundred dollar (\$600.00) cash bond with the city to insure that within ten (10) calendar days after the removal or demolition of a structure the applicant request an inspection to verify all clean up requirements have been completed , the sewer connections shall have been plugged at the property line; all foundations, structural items, brush, vegetation and objects projecting above the final grade must be removed; and all trash, debris, , dead and discarded trees, shrubs and/or other vegetation must be removed; all earth leveled with holes or depressions on the property and in the right-of-way adjacent to the property filled to grade with approved fill materials free of rocks, debris and trash. In the event the clean-up of trash, spoils or debris is not completed within ten-day (10) after demolition of the structure or if demolition work has been suspended for more than 10 days, the cash bond will be forfeited to the City. In the event the work is minor in nature, the building official may waive the cash bond.

### 3410.5 Moving bond required.

A bond shall be posted with the building official in the amount of two thousand dollars (\$2,000.00) for any individual or company wishing to move structures into or within the city. The bond shall cover damages to city and other property along the route of the move. The bond shall be submitted on forms approved by the city attorney.

## APPENDIX A. EMPLOYEE QUALIFICATIONS

Not Adopted.

## APPENDIX B. BOARD OF APPEAL

### SECTION B101. GENERAL

*Delete each subsection as written, insert the following:*

#### B101.1 General.

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; 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; there shall be and hereby is created the building board of appeals. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board.

#### B101.2 Application.

The application for an appeal shall be filed on a form obtained from the City Secretary and appeal fee paid within 20 days after the notice was served. An individual form must be submitted and appeal fee shall be paid for each item submitted for appeal. Upon payment of the appropriate filing fee, a person or firm shall have the right to appeal a decision of the code official to the board of appeals on an appeal application form furnished by the City Secretary. 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 board shall have no authority to waive requirements of the code. The appeal applicant is solely responsible for expenses incurred for each appeal to the Board of Appeals.

### B101.3 Membership of board.

The building board of appeals shall consist of seven (7) members appointed by the city council, each to serve for a term of two (2) years and removable without cause by the city council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause in the same manner as the original appointment was made; provided, however, that the city council may appoint two (2) alternate members of the building board of appeals, who shall serve in the absence of one (1) or more of the regular members when requested to do so. The alternate members shall serve for the same period as the regular members, which are for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal in the same manner as regular members. Members and alternates heretofore appointed shall serve until the expiration of their term, or until their successors are appointed, and, thereafter, each member or alternate reappointed or each new appointee shall serve for a term of two (2) years unless removed as hereinabove set forth.

#### B101.3.1 Qualifications.

The Building Board of Appeals shall consist of seven individuals. The seven (7) regular members of the building board of appeals shall consist of the following:

1. An Architect currently licensed by the State of Texas.
2. Structural Engineer licensed by the State of Texas.
3. A builder or superintendant of building construction with at least five years experience, five of which shall have been in responsible charge of work.
4. A licensed plumbing contractor with at least ten years of experience, 5 of which shall have been in responsible charge of work.

5. A licensed electrical contractor with at least ten years of experience, 5 of which shall have been in responsible charge of work.
6. A licensed mechanical contractor with at least ten years of experience, 5 of which shall have been in responsible charge of work.
7. One member shall be a citizen who is neither an Architect, an Engineer, nor a contractor for plumber, electrical, or mechanical work and has no present or former ties to any building trade or the construction industry.
8. Two alternate members shall be appointed with the qualifications of any one of sections 1 through 7 shall be appointed to serve during the absence of a board member.
9. Each member or alternate appointed to the board must currently reside within the City of Odessa and must maintain such residency while serving on the Board.
10. Board members shall serve at the will of the council until a successor has been appointed.

**B101.3.2. Rules and procedures.**

The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received. The rules of procedure will govern, consistent with state law and city ordinance, the conduct of board affairs.

**B101.3.3 Chairperson.**

The board shall select one (1) of its members to serve as a chairman.

**B101.3.4 Disqualification of members.**

A member of the board shall not hear an appeal in which that member has a personal, professional or financial interest or is a material dealer/supplier or in which, by virtue of state law or city ordinance, he is prohibited from passing on.

#### B101.3.5 Secretary.

The building official shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the building official.

#### B101.4 Notice of meetings.

The board shall meet upon notice of the chairman or the building official, within ten (10) days of the filing of an appeal or at stated periodic meetings. Public notice of all board meetings shall be given, which notice shall comply with all applicable provisions of state law and city ordinance.

##### B101.4.1 Open hearing.

All hearings shall be open to the public. The appellant, the appellant's representative, the code official and any other person whose interests are affected shall be given an opportunity to be heard.

##### B101.4.2 Procedures.

The board shall adopt and make available to the public, through the secretary, procedures under which a hearing shall be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be presented.

##### B101.4.1 Postponed hearing.

When five (5) members are not present to consider a specific appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

#### B101.5 Board decision.

The board may modify or reverse the decision of the building official by a concurring vote of not less than four (4) members; however, the board may under no circumstances waive, vary or modify the provisions of this code.

##### B101.5.1 Determining vote.

The failure to secure four (4) concurring votes upon any appeal brought before the board shall be deemed a confirmation of the decision of the code official. However, in the event any appeal is heard by less than five (5) qualified members of the board, the appellant shall be entitled to a rehearing before a full board.

B101.5.2 Form of action.

Action of the board may be taken either by motion or resolution. Certified copies of either the board minutes or any resolutions thereof shall be furnished to the appellant and to the code official upon request.

B101.5.3 Administration.

The code official shall take immediate action to enforce the board's decisions.

APPENDIX D. FIRE DISTRICTS

SECTION D101. GENERAL

*Delete as written, insert the following:*

D101.1.1 Mapping.

The fire district shall correspond with the Planning Department zoning maps for zones identified as Central Business District 1 (CB-1).

APPENDIX E. SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS

SECTION E101. GENERAL

*Amend to add the following to the end of the paragraph:*

E101.2 Designs.

...and to the Texas Department of Licensing and Registration Accessibility Standards for Handicap Access

APPENDIX G. FLOOD-RESISTANT CONSTRUCTION

*Delete each subsection as written, insert the following:*

G102. APLICABILITY

Refer to the Floodplain ordinances and the floodplain manager in the City of Odessa Engineering Division.

### G103. POWERS AND DUTIES

Refer to the Floodplain ordinances and the floodplain manager in the City of Odessa Engineering Division.

### G104. PERMITS

Refer to the Floodplain ordinances and the floodplain manager in the City of Odessa Engineering Division.

### G105 VARIANCES

Refer to the Floodplain ordinances and the floodplain manager in the City of Odessa Engineering Division.

## APPENDIX H. SIGNS

### SECTION H101. GENERAL

*Amend to add the following to the end of the paragraph:*

#### H101.1 General

Also see the City Zoning Ordinances for additional sign requirements. Signs which are restricted in size, location or use by the City zoning ordinances are required to obtain sign permits prior to installation and required inspections.

*Amend the subsection as follows:*

#### H101.2 Signs exempt from permits.

4. Projecting signs not exceeding 2.5 square feet. No sign shall project past the property line into the right of way. Signs shall not project into pedestrian pathways at less than seven feet to the bottom of the sign above the finished grade.

*Amend to add the following subsections:*

#### H101.3 Sign Permit.

A building application for the installation or alteration of a sign shall be submitted to the building official and a building permit shall be issued prior to the installation of any sign regulated by the City. A separate electrical permit shall be required for the installation, replacement or repair of an illuminated sign or sign with electrical components.

#### H101.4 Sign Inspection.

The following inspections will be required for sign installations:

1. The excavation for a sign foundation must be inspected after required steel reinforcement is in place and prior to the pour of concrete.
2. Mounting bolts, brackets and welds shall be inspected for structural integrity.
3. The building official may require the inspection for any sign prior to installation.
4. Each internally illuminated sign must be inspected for the permanent attachment of the manufactures' information and United Laboratories label as requires by NFPA 70 and adopted electrical ordinances.
5. Electrical installations, circuits and underground conduits for sign installations shall be inspected prior to covering with any materials.
6. Additional inspections as required by the building official.

#### SECTION H105. DESIGN AND CONSTRUCTION

*Amend to add the following subsections:*

##### H105.7 State of Texas Engineer Seal on Sign Design

When required by the building official, each sign must have a licensed Texas Engineer's seal affixed on the sign design and calculations for structural loads, wind loads, and detailed foundation design.

#### APPENDIX J. GRADING

##### SECTION J101. GENERAL

*Amend the first sentence to read as follows:*

##### J101.1 Scope.

The provisions of this chapter apply to grading, excavation, paving and earthwork construction including fills and embankments and paving.

*Amend to add the following to the end of the paragraph:*

Grading, excavation, paving and earthwork, including fills and embankments, and paving in flood ways and flood hazard areas will require review, approval and permits by the City Engineering department.

#### SECTION J102. DEFINITIONS

*Amend to add the following definition:*

PAVING - The installation of concrete, asphalt, pavers or other approved materials for the construction or maintenance of areas for vehicle parking, vehicle access, or other areas with an approved construction design.

#### SECTION J103. PERMITS REQUIRED

*Amend the first sentence to read as follows:*

##### J103.1 Permits required

Except as exempted in Section J103.2 no grading or paving shall be performed without first...

*Add the following to the end of the paragraph:*

Grading, excavation, paving and earthwork, including fills and embankments, in flood ways and flood hazard areas will require review, approval and permits by the City Engineering department.

*Amend to add the following subsection:*

##### J103.1.1 Storm Water Permit Required

As required by Federal, State, and/or City Laws and ordinances, evidence of the submittal of the submittal of a Storm Water Pollution Prevention Plan permit will be required prior to the issue of Grading or Paving permits by the Building Inspection Department.

#### SECTION J110. EROSION CONTROL

*Amend to add the following subsection:*

##### J110.3 Storm water permit and plan.

As required by the State of Texas and the City of Odessa, a copy of the NPDES/TPDES permit and a Storm Water Pollution Prevention Plan shall be prepared by qualified entity and submitted to the City of Odessa Storm Water Manager for review and approval prior to the issue of a building related permit.

#### APPENDIX K. ADMINISTRATIVE PROVISIONS

##### SECTION K111. ELECTRICAL PROVISIONS

*Amend to read as follows:*

###### K111.4 Nonmetallic-Sheathed Cable

The use of Type NM, NMC and NMS (nonmetallic sheathed) cable wiring methods and the use of all materials for electrical installations shall be limited as per the National Electrical Code (NFPA 70) as adopted by the City of Odessa.

*Amend to add the following appendix:*

#### APPENDIX N. MANUFACTURED HOME OR MOBILE HOME PROPOSED FOR NON RESIDENTIAL USE

##### SECTION N101. GENERAL

###### N101.1 Requirements

Manufactured homes or mobile homes may not be used as a commercial structure without first completing the building, plumbing, electrical and mechanical modifications to meet all requirement of City codes and ordinances and State Laws including Texas Department of Licensing and Regulation Architectural Barriers requirements for handicap accessibility. Applications for permits shall require investigative inspections for code compliance prior to the issue of a permit.

**Section 3.** That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the City as a whole or any part thereof, other than the part so declared to be invalid.

**Section 4.** 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 two thousand dollars (\$2,000.00) as provided in Section 1-1-9, "General Penalty", Odessa City Code, which section is adopted by reference and made a part hereof

**Section 5.** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

**Section 6.** That the caption and penalty clause of this ordinance shall be published in The Odessa American, a newspaper of general circulation in the city of Odessa, in compliance with the provisions of Article 1176b-1, T.R.C.S.

**Section 7.** That this ordinance shall go into effect thirty (30) days after adoption on second approval.

The foregoing ordinance was first approved on the 13<sup>th</sup> day of December, A.D., 2016, by the following vote:

Malcolm Hamilton	AYE
Dewey Bryant	AYE
Barbara Graff	NAY
Michael Gardner	AYE
Filiberto Gonzales	AYE

The foregoing ordinance was adopted on second and final approval on the 10<sup>th</sup> day of January, A.D., 2017, by the following vote:

Malcolm Hamilton	_____
Dewey Bryant	_____
Barbara Graff	_____
Michael Gardner	_____
Filiberto Gonzales	_____

Approved this the 10<sup>th</sup> day of January, A.D., 2017.

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David R. Turner, Mayor

ATTEST:

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Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

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Larry Long, City Attorney

DRAFT