

ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS; REPEALING SECTIONS 3-5-1 ENTITLED "ADOPTION" AND 3-5-2 ENTITLED "AMENDMENTS" 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", 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 That Section 3-5-1 entitled "Adoption" shall be repealed and replaced as follows:

Sec. 3-5-1 Adoption

The 2012 International Residential Code for One- and Two-Family Dwellings, as amended by subsequent provisions of this chapter and the 2012 International Residential Code for One- and Two-Family Dwellings Supplements, is hereby adopted by the City.

Section 2. That Section 3-5-2 entitled "Amendments" shall be repealed and replaced as follows:

Sec. 3-5-2 Amendments

The hereinafter set forth amendments to the 2012 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 2012 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 2012 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 appendices and supplements.

CHAPTER 1 SCOPE AND ADMINISTRATION

SECTION R101. GENERAL

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.”

Amend the end of the first paragraph to read as follows:

R101.2 Scope

... and their *accessory structures* in the City and in Industrial Districts under city jurisdiction; 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 International Plumbing Code, International Fuel Gas Code, The International Mechanical Code, and National Electrical Codes as adopted by the City shall take precedence over those respective sections in the 2012 International Residential Code for One- and Two-Family Dwellings.

SECTION R103. DEPARTMENT OF BUILDING SAFETY

Amend to read as follows:

R103.1 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 R104. DUTIES AND POWERS OF THE BUILDING OFFICIAL

Amend to read as follows:

R104.11 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.

Amend to add the following subsection:

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

Amend to add the following subsection:

R105.1.1 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.

Exception: Homeowners acting as their own contractor on the home in which they currently live and occupy as a legal homestead.

R105.1.2 Storm Water Permit Required.

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, grading, paving or related permit.

R105.2 Work exempt from permit

Amend to read as follows:

Building:

1. One-story detached accessory structures with a finished wall height less than 7'(seven feet); used for residential accessory use for a tool or storage sheds, playhouses and/or similar uses, provided the roof area does not exceed 100 square feet; it is not placed upon a concrete slab; it is not located over a gas line; it is without

the installation of plumbing or electrical installations in or on the structure; it is in compliance with applicable City codes and City ordinances; and it is not installed within, on or encroaching over any easement or city right of way.

2. Residential fences shall not exceed the height limitations as noted in the City Zoning Ordinance. Permits to install residential fences for single family dwelling or duplex structures shall be required to be issued prior to the start of installation except as follows:

- a. Fences located within 25 foot of a street or along a property line adjacent to a lot with two alleys;
- b. Front yard fences less than (18) inches high above the natural grade or less than 18 inches above the adjacent city walk and located within private property;
- c. Fences locate in the rear $\frac{1}{2}$ of a one or two family dwelling lot; under eight (8) feet in height above natural grade;
- d. Fences located within dedicate easements, the city right of way or dedicate floodways.

A fence or barrier encroaching or located within in the public right of way or a 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 Ordinances, the Zoning ordinances, or other city codes and ordinances.

Add to the end of the paragraph:

5. ... and 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 the following note to end of exemptions:

Note: The exemptions noted above are to not 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 to the end of the paragraph:

R105.7 Placement of Permit

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

Amend to add the following subsection:

R105.7.1 While under construction.

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

SECTION 106. CONSTRUCTION DOCUMENTS

Delete the second sentence, insert the following:

R106.1 Submittal documents

... 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 as written.*

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

R106.3 Examination of documents

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.

Delete the following paragraph as written, insert the following:

R106.5 Retention of construction documents

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.

Exception: Permits issued for residential remodel and additions.

SECTION R107. TEMPORARY STRUCTURES AND USES

Amend to read as follows:

R107.1 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*. (p.5)

Amend the end of the paragraph to read as follows:

R107.3 Temporary power

NFPA 70 (National Electrical Code) as adopted by the City.

Amend to add the following subsection:

R107.5 Storm water permit and plan.

As required by the State of Texas and the City of Odessa, a copy of the NOPDES/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 R108. FEES

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

R108.2 Schedule of Permit Fees

See the City ordinance on permit fees.

Delete the following paragraphs as written, insert the following:

R108.5 Refunds

See the City ordinance on permit fees.

Amend to read as follows:

R108.6 Work commencing before permit issuance

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 a 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.

Amend to add the following subsection:

R108.7 Reinspection fees

See the City ordinance on permit fees.

SECTION R109. INSPECTIONS

Amend to add the following subsections:

109.1.3.1 Floor height verification inspection.

The minimum floor elevation shall be as follows:

A. Property with an adjacent 8 inch city curb shall have a finished floor elevation for each building set a minimum of twelve (12) inches above the top of the highest adjacent curb.

B. Property with an adjacent 2 inch city curb shall have a finished floor elevation for each building set a minimum of 18 inches above the top of the highest adjacent curb.

C. Property located in a designated flood zone shall have a finished floor level set a minimum of 12 inches above the 100-year storm elevation as 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.

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 the required building permit and shall remodeled, altered, or modified to meet the current requirements for City codes and ordinances prior to the issue of a certificate of occupancy. Buildings with wood rot, termite damaged and structural elements must have damaged elements removed to comply with the codes. Code compliant structural repairs may be required and inspected prior to the issue of a permit to allow the structure to be moved into or within the city.

SECTION R110. CERTIFICATE OF OCCUPANCY

Amend to add the following subsections:

R110.3.1 Lowest floor elevation.

The finished floor elevation shall a minimum of 12 inches above the top of highest curb adjacent to the properly unless the property is located within a designated flood zone. Within a designated flood area, the minimum finish floor elevation shall be determined by the Floodplain manager in the City of Odessa Engineering Division. Upon request of the City, the permittee shall furnish certification by a licensed engineer indicating the

finish floor has been established at or above the elevation required by the City Engineering Division.

R110.3.2 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 areas shall be as required by the flood 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.

R110.6 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 office prior to each reinspection.

R110.7 No alterations without reinspection.

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

SECTION R112. BOARD OF APPEALS

Delete the following paragraphs as written, insert the following:

R112.1 General

The Board of Appeals as noted in the International Building Code amendments as adopted by the City of Odessa shall be the ruling board for this code.

SECTION R113. VIOLATIONS

Amend to read as follows:

R113.4 Violations 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 deemed a separate offense.

SECTION R114. STOP WORK ORDER

Amend to read as follows:

R114.2 Unlawful continuance

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 as separate offense.

Amend to add the following section:

SECTION R115. TRASH AND DEBRIS CONTAINMENT

R115.1 Trash and debris containment.

It shall be a violation of this code to allow construction generated spoils, debris or trash to become windblown. It is the responsibility of each owner, contractor and permit holder to make provisions for the containment of construction generated spoils, debris and trash on the property boundaries. These items shall be gathered from the property and from the neighboring properties, streets and right-of-way on a daily basis and contained in an approved containment device with a covering to prevent trash and debris from becoming windblown.

CHAPTER 2. DEFINITIONS

Amend to add the following definition:

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 removed in 180 days or less.

CHAPTER 3. BUILDING PLANNING

SECTION R302. FIRE-RESISTANT CONSTRUCTION

Amend to add the following table:

Table R.302.1(2) Climatic and Geographic Design Criteria

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 318. PROTECTION AGAINST SUBTERRANEAN TERMITES

Amend to add the following subsection:

R318.1.3 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 and labeled by the manufacturer as required by the code. Cuts made on pretreated lumber must be retreated as per the manufacturer requirements.

SECTION 319. SITE ADDRESS

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

R319.1 Address numbers

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.

Amend to add the following subsection:

R319.2 While under construction.

The assigned address shall be posted at each project site with 4 inch character letters, posted 7 feet above finished grade in full, unobstructed view of the street it is addressed from.

SECTION R322. FLOOD-RESISTANT CONSTRUCTION

Amend to add the following to the end of the paragraphs:

R322.1 General

Exception: No construction is allowed in an identified floodway

R322.1.5 Lowest Floor

Note: Also see amendment in section 901.1.1.1 pertaining to inspections of floor height/elevations.

CHAPTER 4. FOUNDATIONS

SECTION R403. FOOTINGS

Amend to add the following subsection:

R403.1.1.2 Footing/foundation reinforcement.

Two pieces of ½" (#4) concrete reinforcing bar shall be installed in the bottom three (3) inches of each foundation or footing. In addition, a 1/2' x 20' length (#4) 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. An approved #4 solid copper wire may be used in lieu of the concrete rebar.

Amend to add the following to this to the end of the paragraph as follows:

R403.1.4.3 Minimum depth and width for residential 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.

Amend to add the following section:

R403.1.4.4 Concrete Encased Grounding Electrode

Each foundation installation shall have one 20 foot 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 foot length of grounding material shall bent 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.

R ELECTRICAL

In the event of conflict of code requirements between the this residential code and the National Electrical Code, the National Electrical Code as amended and adopted by the City of Odessa will prevail over this residential code.

R PLUMBING

In the event of conflict of code requirements between the this residential code and the International Plumbing Code, the International Plumbing Code as amended and adopted by the City of Odessa will prevail over this residential code.

R MECHANICAL

In the event of conflict of code requirements between the this residential code and the International Mechanical Code, the International Mechanical Code as amended and adopted by the City of Odessa will prevail over this residential code.

APPENDIX E. MANUFACTURED HOUSING USED AS DWELLINGS

SECTION AE101. SCOPE

Amend to read as follows:

AE101.1 General.

These provisions shall be applicable only to a *manufactured home* used as a single *dwelling unit* installed on lots and shall apply to the following:

Amend to add the following to the last paragraph:

... where otherwise prohibited. These provisions do not negate, over ride or cancel the requirements of the Zoning Ordinances as adopted by the City of Odessa.

Amend to add the following appendix:

APPENDIX R. DEMOLITION

Refer to the demolition section of the International Building Code for demolition requirements and regulations as adopted by the City of Odessa.

APPENDIX S. MOVED STRUCTURES

Refer to the moved structures section of the International Building Code for moving requirements and regulations as adopted by the City of Odessa.

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 13th 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 10th day of January, A.D., 2017, by the following vote:

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

Approved this the 10th day of January, A.D., 2017.

David R. Turner, Mayor

ATTEST:

Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

Larry Long, City Attorney

DRAFT