

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS; ADOPTING AN AMENDED VERSION OF THE 2018 INTERNATIONAL EXISTING BUILDING CODE, AS ARTICLE 3-18 OF CHAPTER 3, "BUILDING REGULATIONS", OF THE CITY OF ODESSA CODE OF ORDINANCES, THE SAME BEING ENTITLED "EXISTING BUILDING CODE", FOR REGULATING AND GOVERNING THE REPAIR, ALTERATION, CHANGE OF OCCUPANCY, ADDITION AND RELOCATION OF EXISTING BUILDINGS, INCLUDING HISTORIC BUILDINGS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Odessa recognizes the need to regulate and govern the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings.

WHEREAS, the City Council of the City of Odessa deems it in the public interest to adopt the sections of the "2018 International Existing Building Code" with the amendments, as provided;

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

Section 1. That Article 3-18 entitled "Existing Building Code" is hereby added to Chapter 3 of the City Code of Ordinances entitled "Building Regulations."

Section 2. That Section 3-18-1 entitled "Adoption" is hereby added to Article 3-18 of the City Code of Ordinances entitled "Existing Building Code," as follows:

Sec. 3-18-1 Adoption

The 2018 International Existing Building Code along with all appendices, as amended by subsequent provisions of this chapter and 2018 International Existing Building Code Supplements, is hereby adopted by the City.

Section 3. That Section 3-18-2 entitled “Amendments” is hereby added to Article 3-18 of the City Code of Ordinances entitled “Existing Building Code,” as follows:

Sec. 3-18-2 Amendments

The hereinafter set forth amendments to the 2018 International Existing 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 2018 International Existing Building Code, the language of such amendment shall supersede the language of the respective portion amended. Amendments to the 2018 International Existing 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 codes, gas 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.

This code shall be known as the Existing Building Code of The City of Odessa, hereinafter referred to as “this code.”

Amend to add the following subsection:

[A] 101.8 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 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 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.

SECTION 106. CONSTRUCTION DOCUMENTS

Amend to read as follows:

[A] 106.1 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.*

SECTION 108. FEES

Delete the following paragraphs as written, insert the following:

[A] 108.2 Schedule of permit fees.

See the City ordinance on permit fees.

[A] 108.6 Refunds.

See the City ordinance on permit fees

Amend to add the following subsection:

[A] 108.7 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 109. INSPECTIONS

Amend to add the following subsection:

[A] 109.7 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 112. BOARD OF APPEALS

Delete this section as written and insert the following:

[A] 112.1 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 113. VIOLATIONS

Amend to read as follows:

[A] 113.4 Violations and penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who repairs or alters or changes the occupancy of 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 114. STOP WORK ORDER

Amend to read as follows:

[A] 114.3 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 section:

SECTION 118. CONTAINMENT OF TRASH AND DEBRIS.

[A] 118.1 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 or 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 codes and/or the City of Odessa Code of Ordinances, including stop work order and/or the revocation of permits and/or fines.

CHAPTER 14 RELOCATED OR MOVED BUILDINGS

SECTION 1402. REQUIREMENTS

Amend to read as follows:

1402.7 Required inspection and repairs.

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.

Amend to add the following subsections:

1402.8 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.

1402.9 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.

1402.10 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.

Section 4. 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 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 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 6. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 7. 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 8. That the provisions of this ordinance shall go into effect July 1, 2018.

The foregoing ordinance was first approved on the 28th day of November, A.D., 2017,
by the following vote:

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

The foregoing ordinance was adopted on second and final approval on the 12th day
of December, A.D., 2017, by the following vote:

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

Approved this the 12th day of December, A.D., 2017.

David R. Turner, Mayor

ATTEST:

Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

Larry Long, City Attorney