
CITY OF PORT LAVACA

MEETING: JULY 10, 2023

DATE: 7.5.2023

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: DERRICK SMITH, DEVELOPMENT SERVICES DIRECTOR

**SUBJECT: PROPOSED AMENDMENT TO CHAPTER 12, ARTICLE II – BUILDING AND
BUILDING REGULATIONS OF THE CITY OF PORT LAVACA’S CODE OF
ORDINANCES**

- The purpose of the proposed amendment to the Code of Ordinances is to update the City’s model codes. The update will ensure better approaches to maintain a safe and healthy built environment.
- Keeping adopted codes current will also help to ensure lower insurance premiums for citizens.

The proposed amendment to Chapter 12, Article II is in Exhibit A of the Ordinance.

ORDINANCE #G-6-23

AN ORDINANCE OF THE CITY OF PORT LAVACA AMENDING THE ORDINANCE CODIFIED AND DESCRIBED IN THE CITY OF PORT LAVACA'S CODE OF ORDINANCES AS PART II, CHAPTER 12 BUILDINGS AND BUILDING REGULATIONS, ARTICLE II BUILDING TRADE CODES, SECTION 12-19 PURPOSE, SECTION 12-20 BUILDING TRADE CODES – ADOPTED SECTION 12-21 SAME – ADDITIONS, DELETIONS AND CHANGES; PROVIDING FOR PURPOSE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Purpose.

The attached Exhibit A document identifies amendments that are to be made to various Sections of Chapter 12 of the City of Port Lavaca's Code of Ordinances. Text that remains unchanged will be in black-colored letters, text that is new will be identified by red-colored underlined letters and all text to be deleted will be identified as blue-colored letters with strikethroughs.

Section 2. Severability.

It is specifically declared to be the intention of the City Council that sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any unconstitutional or invalid phrase, clause, sentence, paragraph or sections.

Section 3. Repeal.

All ordinances or parts of ordinances conflicting with or not consistent with the provisions of this article are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency or conflict, and in all respects, this article shall be cumulative of all other ordinances of the City of Port Lavaca regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this article shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

Section 4. Effective Date

THAT this ordinance shall become effective on the date of its passage.

FIRST READING this 10th day of July, 2023

Jack Whitlow, Mayor

SECOND AND FINAL READING this 14th day of August, 2023

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 14th day of August, 2023.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney

RECORD OF VOTE

	First Reading	Second and Final	Passed and Approved
Councilman Aguirre			
Councilman Dent			
Councilman Tippet			
Councilwoman Padron			
Councilman Ward			
Councilman Barr			

Record of approval by City Council: City Council Minute Records, Volume 3H, Page ____.

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PART II – CODE OF ORDINANCES

CHAPTER 12. – BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. - BUILDING TRADE CODES

Sec. 12-19. - Purpose.

The purpose of this article is the practical safeguarding of persons and property. The requirements of this article and of the codes adopted in this article are to be considered the minimum requirements for all types of construction and maintenance in the city and outside the city where property is or may be connected to the city water and sewer system. The chief building official is assigned the responsibility for the licensing, permitting, interpretation and enforcement required by the codes.

(Ord. No. G-7-06, § 1, 9-11-2006)

Sec. 12-20. - Building trade codes - Adopted.

In order to establish uniform rules, regulations and provisions for the placement, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings, signs and structures, there is hereby adopted by the city the following building trade codes:

- (1) ~~2015~~ **2021** International Building Code, as amended with appendixes.
- (2) ~~2015~~ **2021** International Residential Code, as amended with appendixes.
- (3) ~~2015~~ **2021** International Mechanical Code, as amended with appendixes.
- (4) ~~2015~~ **2021** International Plumbing Code, as amended with appendixes.
- (5) ~~2015~~ **2021** International Fuel Gas Code, as amended with appendixes.
- (6) ~~2015~~ **2021** International Energy Conservation Code, as amended with appendixes.
- (7) ~~2015~~ **2021** International Fire Code, as amended with appendixes.
- (8) ~~2015~~ **2021** International Code Council Performance Code, as amended with appendixes.
- (9) ~~2015~~ **2021** International Property Maintenance Code, as amended with appendixes.
- (10) ~~2017~~ **2020** National Electrical Code, as amended.
- ~~(11) Wind Provisions of the 2018 International Building Codes.~~

(Ord. No. G-7-06, § 2, 9-11-2006; Ord. No. G-4-13, § 1, 9-9-2013; Ord. No. G-2-16, § 1, 4-11-2016; Ord. No. G-8-16, § 1, 9-12-2016; Ord. No. G-2-21, § 1, 4-12-2021)

Sec. 12-21. - Same—Additions, deletions and changes.

The following additions, deletions, and changes are adopted to the codes listed in section 12-20:

- (1) Appendix B, Section ~~B101.2.20~~ **B101.3** of the International Building Code is deleted in its entirety and the following is substituted:

"The Board shall consist of five members possessing the qualifications approved by the City Council."

~~Appendix L~~ **Appendix P**. Add new appendix to the International Building Code.

"Appendix ~~L~~ **P** - Moving buildings."

General. A building or part of any building shall not be moved through or across any sidewalk, street, alley or highway within the governmental limits without first obtaining a permit from the building official.

Written application. Any person desiring to move a building shall first file with the building official a written application setting forth the following information:

Type and kind of building to be moved;

The original cost of such building;

The extreme dimensions of the length, height and width of the building;

Its present location and proposed new location by lot, block, subdivision and street address;
and

The approximate time such building will be upon the streets, and contemplated route that will be taken from present to new location.

Permit refusal. If in the opinion of the building official, the moving of any building will cause serious injury to persons or property or serious injury to the streets or other public improvements, or the building to be moved has deteriorated more than 50 percent of its current value by fire or other element, or the moving of the building will violate any of the requirements of this code, the zoning regulations or deed restrictions, the permit shall not be issued and the building shall not be moved over the streets. Any building being moved for which a permit was granted shall not be allowed to remain in or on the streets for more than 48 hours.

Bond required. The building official, as a condition precedent to the issuance of such permit, shall require a bond to be executed by the person desiring such removal permit, with corporate surety licensed to do business in the state. Such bond shall be made payable to the city and for such amount as is set by the building official. It shall indemnify the city against any damage caused by the moving of such building to streets, curbs, sidewalks, shade trees, highways and any other property that may be affected by the moving of a building. Such bond shall also be conditioned upon the liable of strict compliance with the terms of said permit, as to route to be taken and limit of time in which to effect such removal and to repair or compensate for the repair and to pay the City of Port Lavaca as liquidated damages an amount as established in appendix A to this Code for each and every day's

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delay in completing such removal or in repairing any damages to property or public improvement or in clearing all public streets, alleys or highways of all debris occasioned thereby.

Notice of permit. Upon the issuance of said moving permit, the holder of such permit shall cause notice to be given to the chief of the fire department, chief of the police department, superintendent of streets, director of emergency medical service and utility companies that will be affected by the move.

Public safety requirements. Every building which occupies any portion of public property after sundown shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public.

There shall be sufficient numbers of light placed on each street side of the building to indicate extreme width, height, and length. Lights shall be standard barricade type lights.

In addition to the lights on the building, barricade lights shall be placed in accordance with the state traffic manual.

Improvement by owner. The owner of any house, building, or other structure proposed to be moved shall make all necessary improvements required in order for the house, building, or structure to comply with the requirements of this Code within 90 days from the date of the issuance of the moving permit. Extensions of such time, as deemed reasonable, may be granted by the building official upon a showing of delay caused by matters beyond the control of the owner or house mover. The application for the moving permit shall be accompanied by an application for a building permit and a complete plan and specifications showing the changes or conditions of the house, building or structure as the same is proposed to be when moving, and all contemplated improvements, signed by the owner or the owner's agent.

- (2) Section 111 (Means of Appeal) of the International Property Maintenance Code is deleted.
- (3) Appendix B, as amended, of the International Building Code is inserted in its place.
- (4) Section R112 (Board of Appeals) of the International Residential Code is deleted.
- (5) Appendix B, as amended, of the International Building Code is inserted in its place.
- (6) Section 109 (Means of Appeal) of the International Plumbing Code is deleted.
- (7) Appendix B, as amended, of the International Building Code is inserted in its place.
- (8) The following is added to the International Plumbing Code as appendix H:

Appendix H-Plumbing reroute.

Definitions. The term "rerouting of plumbing" means the repair or replacement of piping under the floor of buildings or structures.

Permit required.

Materials and installation shall be approved by the plumbing inspector.

Access to work area:

A horizontal crawlspace shall be provided under the foundation or floor to allow access for working and inspections.

Crawlspace shall have a minimum vertical clearance of three feet under all obstructions and a clear width of three feet.

Crawlspace shall extend outside of the foundation horizontally at full depth and width for a distance of four feet.

The surface and walls of the crawlspace shall be dry, graded and free of clods, metal or other objects.

Lighting equipment shall be designed and approved for damp locations.

Inspections.

Crawlspace and access surface shall be dry and lined with plastic.

Plumber shall be available to accompany inspector in the crawlspace during inspection.

At least one additional person shall be stationed at the entrance to the crawl space during the inspection to maintain communications with the plumbing inspector.

When required by the plumbing inspector the crawlspace shall be ventilated to his approval.

Crawlspace must meet the specifications listed in subsection 10e. of this section before plumbing inspection will be made.

(9) Section 109 (IFGC) (Means of Appeal) of the International Fuel Gas Code is deleted:

(10) Appendix B, as amended, of the International Building Code is inserted in its place.

(11) Section 109 (Means of Appeal) of the International Mechanical Code is deleted:

(12) Appendix B, as amended, of the International Building Code is inserted in its place.

(13) Section 109 (Board of Appeals) of the International Energy Conservation Code is deleted:

(14) Appendix B, as amended, of the International Building Code is inserted in its place.

(15) Chapter 11 (Means of Appeal) of the International Electrical Code Administrative Provisions is deleted:

(16) Appendix B, as amended, of the International Building Code is inserted in its place.

(17) Chapter 502 of the 2021 International Building Code is amended to read as follows:

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502.1. Address Identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. For multi-family buildings, each character shall be a minimum of 12-24 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Each multi-family unit and other nonresidential buildings shall have each character a minimum of 6 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address identification shall be maintained.

(18) Section 505.1 of the International Fire Code is deleted:

(19) Section 502.1 of the International Building Code is inserted in its place.

~~(17)~~ **(20)** Chapter 16 of the ~~2012~~ **2021** International Building Code is amended to read as follows:

1609.3. Basic wind speed. The basic wind speed, in mph, for the determination of wind loads in building design shall be ~~120 mph (3-second gust) minimum, or~~ such wind speed as required by the Texas Windstorm Insurance Association, the Texas Department of Insurance or any of their successor agencies to comply with insurance requirements for windstorm insurance.

1609.4.3. Exposure categories. Exposure factor C shall be used in the calculation of all wind loads.

Section 1609.7 is hereby created to read as follows:

A contractor or property owner who constructs any structure within the city limits shall provide the following documentation, materials, and methods of construction for windstorm and hurricane protection.

1609.7.1. Permit requirements. The building inspector shall be provided design documentation from a state licensed professional engineer for construction, renovation, or modifications of all structures over 200 square feet, prior to release of permit. This requirement includes all accessory structures including carports, storage sheds, garages, gazebos, boat storage sheds and similar structures. The person, firm, or corporation responsible for permitting shall provide, prior to final inspection approval, a copy of a Texas Department of Insurance (TDI) report certifying compliance with the current

building specifications of the Texas Windstorm Insurance Association (TWIA) Plan of Operation.

1609.7.2. Masonry wall ties. Masonry wall tie devices will be of galvanized or electroplated materials and installed on 16-inch centers, vertically and horizontally.

1609.7.3. Asphalt shingles. All asphalt shingles used in the city shall comply with ASTM D 3161 Class F, or ASTM D 6381/UL 2390 Class G or H, or ASTM D 7158 Class G or H. Conformance with more than one standard is not required.

1609.7.4. Securing outdoor mechanical equipment. All outdoor mechanical equipment and building components shall be anchored against overturning, uplift, and sliding in a design wind event.

1609.7.5. Signs. All signs of any type exceeding 32 square feet in surface area are to meet the permitting requirements of this chapter.

~~(18)~~ **(21)** The National Electrical Code, 2020 Edition is amended as follows:

Section 408.36, Exception 1 is deleted.

Section 250-62(b) is amended to read as follows:

Section 250-62 (b) Where exposed, a grounding electrode conductor or its enclosure shall be securely fastened to the surface on which it is carried. Grounding electrode conductors shall be permitted to be installed on or through framing members. A 4 AWG or larger copper or aluminum grounding electrode conductor shall be protected if exposed to physical damage. A 6 AWG grounding electrode conductor that is free from exposure to physical damage shall be permitted to be run along the surface of the building construction without metal covering or protection if it is securely fastened to the construction without metal covering or protections if it is securely fastened to the construction; otherwise, it shall be protected by rigid polyvinyl chloride (PVC) conduit. Where the grounding electrode conductor is exposed to severe physical damage, it shall be protected by rigid metal conduit (RGC) or intermediate metal conduit (IMC) only where the conduit is bonded to the ground rod by approved connectors in compliance with 250-64 (e) (1). Electrical metallic tubing (EMT) is not allowed for protection of grounding electrode conductors.

For the purpose of expediting the extinguishing of fires in all buildings, both public and private, the main service disconnect switch shall be placed adjacent to the power company meter on the exterior of all buildings, residential and commercial. The maximum distance between meter service and disconnection means shall be six feet.

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No wire smaller than number 12 shall be used, other than motor control wiring. All metal and non-metallic conduits shall have an equipment grounding conductor sized in accordance with 250-122.

All conductors on the load side of the power company service drop shall be copper material. No aluminum conductors shall be permitted, with the exception of aerial.

~~(19)~~ **(22)** Definitions:

Prefabricated living units (PLU) - Any residential structure up to 500 square feet built off site and transported to site for installation and not regulated by the state of Texas installed on a permanent foundation.

The owner of any PLU proposed to be installed within the city limits must have plans and specifications of the building and proposed improvements signed and sealed by a Texas licensed engineer showing the following prior to applying for a building permit:

- 1.\ Building to be on permanent foundation and design to comply with most current applicable building codes and all permit drawing requirements.
- 2.\ Compliance with all the requirements of City Ordinance Chapter 12.

Permanent foundation - A permanent foundation is a foundation system with the following characteristics:

- It has reinforced concrete components piers/slab/beam.
- The structure is attached to the foundation without the chassis.
- No ground anchors are used in install.

~~(20)~~ **(23)** Temporary housing permit. In addition to a construction building permit, a temporary housing permit may be authorized for the use, on premises, of a recreational vehicle or manufactured home as a residential unit, provided such use of temporary housing, in residential zoned districts, shall be limited to single family housing for the real property owners only, be located on the permitted property, or on property owned or leased by the permittee adjacent to the permitted property, and be valid for the term of the construction building permit period not to exceed six months, and may be renewed once for a second six-month period. Such temporary housing use shall completely cease upon completion of construction or on the expiration of the time limit stated in the permit, whichever occurs first.

(Ord. No. G-7-06, § 3, 9-11-2006; Ord. No. G-4-15, § 1, 4-13-2015; Ord. No. G-2-16, § 2, 4-11-2016; Ord. No. G-11-19, § 1, 8-12-2019; Ord. No. G-9-22, § 1, 12-12-2022)

END OF EXHIBIT A