

ORDINANCE NO. 2024-41

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 10- BUILDINGS AND BUILDING REGULATIONS, BY REPEALING ARTICLE I. - IN GENERAL, ARTICLE II. – BUILDING CODE, ARTICLE III. – RESIDENTIAL CODE, ARTICLE IV. – AIR CONDITIONING AND MECHANICAL WORK, ARTICLE V. – ELECTRICITY; AND ARTICLE VI. – PLUMBING AND GAS AND REPLACING WITH A NEW ARTICLE 1 – IN GENERAL; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SEVERABILITY, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas, finds that it is in the best interest of the health, safety and welfare of the citizens to update regulations pertaining to building codes as set forth herein; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. The facts and matters contained in the preamble to this ordinance are hereby found to be true and correct.

Section 2. Chapter 10 – Buildings and Building Regulations of the Code of Ordinances is amended by adding a new Article I. – In General, to read as follows:

“Sec. 10-1. International codes adopted.

The following International Code Council Editions including listed appendix chapters ("the building codes") are hereby adopted by reference as though they were copied herein fully:

- (a) 2021 International Residential Code® (for one and two-family dwellings only)

- (b) 2021 International Building Code® (for all other residential and commercial construction)
 - (1) Appendix C, Group U—Agricultural Buildings
 - (2) Appendix F, Rodent proofing
 - (3) Appendix G, Flood-Resistant Construction
 - (4) Appendix J, Grading
- (c) 2021 International Mechanical Code®
- (d) 2021 International Plumbing Code®
 - (1) Appendix B, Rates of Rainfall for Various Cities
 - (2) Appendix C, Structural Safety
 - (3) Appendix D, Degree Day and Design Temperature
 - (4) Appendix E, Sizing of Water Piping System
- (e) 2021 International Fuel Gas Code®
- (f) 2021 International Energy Conservation Code®
- (g) 2021 International Swimming Pool and Spa Code®
- (h) 2021 International Property Maintenance Code®
- (i) 2021 International Existing Building Code®
- (j) 2021 International Performance Code®
 - (1) A: Risk Factors of Use and Occupancy Classifications
 - (2) B: Worksheet for Assigning Specific Structures
 - (3) C: Individually Substantiated Design Method
 - (4) D: Qualification of Characteristics for Design and Review
 - (5) E: Use of Computer Models

(k) 2021 International Solar Energy Provisions Code®

(l) 2023 National Electric Code® published by the National Fire Protection Association

Sec. 10-2. Amendments to the International Residential Code.

(a) Section R103 of said code adopted in section 10-1 is hereby amended to provide as follows:

R103 Department of Building Safety. The enforcement of this code shall be under the administrative and operational control of the Building Official. The Building Official shall have such duties and shall be selected and serve in the position at the pleasure of the City Manager and may be removed without cause by the City Manager. The Building Official may appoint deputies to assist him/her. Said deputies shall serve at the pleasure of the Building Official and may be removed without cause by Building Official.

(b) Section R105 of said code is hereby amended by adding a new section R105.10 to provide as follows:

R105.10 Liability Insurance. The person or entity that will actually perform the work or services covered by a permit shall provide to the City evidence of comprehensive general liability insurance, issued by a company licensed to do business in Texas, for the duration of the permit, and shall furnish certificates of insurance to the City as evidence thereof. The certificates shall provide that the insurance shall not be canceled, reduced, or changed without 30 days advance notice to the City.

Comprehensive general liability insurance covering all risks associated with the work, with a minimum limit as currently established or as hereafter adopted by resolution of the City Council from time to time, or a property damage limit equal to or exceeding the amount of the contract amount, whichever is greater.

(c) Section R108.2 of said code is amended to provide as follows:

R108.2 Schedule of permit fees. Fees shall be charged in accordance with the City's master fee schedule, as it may be amended from time to time.

(d) Section R108.6 of said code is hereby amended to provide as follows:

R108.6 Work commencing before permit issuance. The fee for work commenced without a permit shall be double the fee set forth in the master fee schedule adopted by the City.

(l) Table R301.2(1) of said code is completed to provide as follows:

<u>Ground Snow Load</u>	<u>Wind Speed (mph)</u>	<u>Seismic Design Category</u>	<u>Subject to Damage From</u>				<u>Winter Design Temp</u>	<u>Ice Shield Underlay Required</u>
			<u>Weathering</u>	<u>Frost Line Depth</u>	<u>Termite</u>	<u>Decay</u>		
<u>0</u>	<u>110 b or c</u>	<u>A</u>	<u>Negligible</u>	<u>6"</u>	<u>Very heavy</u>	<u>Slight to moderate</u>	<u>32</u>	<u>No</u>
<u>Flood Hazards</u>					<u>Air Freezing Index</u>		<u>Mean Annual Temp</u>	
<u>FIRM and FBFM as adopted by City Code Section 10-395 Firm and FBFM</u>					<u>9</u>		<u>69.9</u>	

(m) Section R313.2 has been deleted in its entirety.

(o) Section P2603.5.1 of said code is hereby amended to provide as follows:

P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be not less than six inches (6") below finished grade at the point of septic tank connection. Building sewers shall not be less than eighteen inches (18") below grade.

Sec. 10-3. Amendments to the International Building Code.

(a) Section 101 of the building code adopted in section 10-1 is hereby amended by adding a new Section 101.4.7 and amending Section 101.4.1 to read as follows:
101.4.7 Existing buildings. This code shall apply to alterations, repairs, renovations and additions to existing buildings as follows:

(1) If, within any 12-month period, alterations, additions, renovations, repairs, or any combination thereof, costing in excess of 50 percent of the then physical value of the building, or involving 50 percent or more of the square footage of the building, are made to an existing building in the floodplain, such building and associated mechanical, electrical, plumbing and fuel gas equipment, fixtures and appurtenances shall be made to conform to the requirements of this code applicable to new buildings in regards to the Design Flood Elevation.

(2) If an existing building is damaged by fire or otherwise in excess of 50 percent of its then before such damage is repaired, it shall be made to conform to the requirements of this code applicable to new buildings, except in regard to slab height where the structure is located outside the floodplain, the footprint is not modified, and the slab is intact.

(3) For the purpose of this section the physical value of the building shall be its appraised value as shown on the county's latest tax roll. Alternatively, upon filing an appeal to the Floodplain Manager, a professional market appraisal for the pre-event evaluation, assessed post-event, may be submitted for review.

(b) Section 103 of said code is hereby amended to provide as follows:

103. Department of Building Safety. The enforcement of this code shall be under the administrative and operational control of the Building Official. The Building Official shall have such duties and shall be selected and serve in the position at the pleasure of the City Manager and may be removed without cause by the City Manager. The Building Official may appoint deputies to assist him/her. Said deputies shall serve at the pleasure of the Building Official and may be removed without cause by the Building Official.

(c) Section 104 of said code is hereby amended to provide as follows:

104. Duties and Power of Building Official.

104.1 General. The Building Official is hereby authorized and directed to enforce all of the provisions of this code. The Building Official shall have the power to render interpretations of this code and to adopt and enforce written rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code. Any reference in this code to the code official shall mean the Building Official or the Building Official's designee.

104.3 Notices and orders. Whenever any work is being done contrary to the provisions of this code, the Building Official may order the work stopped by notice in writing served on any persons

engaged in the doing or causing such work to be done, and any such persons shall stop work until authorized in writing by the Building Official to proceed with the work.

(d) Section 105 of said code is hereby amended by adding a new section 105.8 to provide as follows:

105.8 Liability Insurance. The person or entity that will actually perform the work or services covered by a permit shall provide to the City evidence of comprehensive general liability insurance, issued by a company licensed to do business in Texas, for the duration of the permit, and shall furnish certificates of insurance to the City as evidence thereof. The certificates shall provide that the insurance shall not be canceled, reduced, or changed without 30 days advance notice to the City.

Comprehensive general liability insurance covering all risks associated with the work, with a minimum limit as currently established or as hereafter adopted by resolution of the City Council from time to time, or a property damage limit equal to or exceeding the amount of the contract amount, whichever is greater.

(e) Section 109.4 of said code is hereby amended to provide as follows:

109.4 Work commencing before permit issuance. The fee for work commenced without a permit shall be double the fee set forth in the master fee schedule adopted by the City.

(f) Section 111.1 of said code is hereby amended to provide as follows:

111.1 Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the Building Official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the City. Certificates presuming to give authority to violate or cancel the provisions of this code, or other ordinances of the City shall not be valid.

(g) Section 113.1 of the code is hereby amended to provide as follows:

113.1 General. Appeals of orders, decisions, or determinations made by the City's Building Official in interpreting or applying this code shall be to the City Council. The City Council may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration.

(h) Appendix J of said code is hereby adopted and the following sections are amended as follows:

J106.1 Maximum Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 3 horizontal to 1 vertical (33 percent) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:

A cut surface may be at a slope of 2 horizontal to 1 vertical (50 percent) provided that all the following are met:

1.1. It is not intended to support structures or surcharges.

1.2. It is adequately protected against erosion.

1.3. It is no more than 8 feet (2438 mm) in height.

1.4. It is approved by the Building Official.

A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100 percent).

J107.6 Maximum Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 3 horizontal to 1 vertical (33 percent) shall be justified by soils reports or engineering data.

Sec. 10-4. Payroll records.

For purposes of enforcing this article, the inspector, or his designated representative, may examine the payroll records for the preceding 12 months of the master, during normal business hours. Should the master fail or refuse to make a full, true and accurate disclosure of his payroll records, the inspector may, after written notification by certified mail, withhold the issuance of permits to that master until such time as there has been a full, true and accurate disclosure of the payroll records. Violation of this section will be subject to the penalty as provided in section 1-14 of this Code.

Sec. 10-5. Suspension, withholding or revocation.

(a) When given a ten-day notice by registered or certified mail, and after a hearing before a board appointed by the City Council, where the person notified may be represented by an attorney at law of his choice, the holder of a license or certificate issued under the provisions of this article may have his license or certificate revoked or suspended by the City for any of the following reasons:

- (1) Habitual drunkenness or the use of narcotics.
 - (2) Conviction of a crime involving moral turpitude.
 - (3) Adjudication of insanity.
 - (4) Fraud or misrepresentation in obtaining a registration or permit.
 - (5) Violating on more than one occasion, either willfully or maliciously, or by reason of incompetence, any provision of this article or the International Standard Mechanical Code or amendments thereto.
 - (6) Conviction of defrauding any person from whom he has rendered or contracted to render service.
 - (7) Securing permit for mechanical work not actually performed by the master or by licensed employees under his control, supervision and direction. This is intended to prevent a master from securing a permit for the purpose of evading the spirit and intent of this article by entering into any simulated scheme, transaction or device, whereby mechanical work will be done by persons who are not employees of the master, or employees of his employer.
 - (8) Securing a permit under any pretext for any installation concerning which applicant has no valid contract. This is intended to prevent a master from securing a permit for the purpose of evading the spirit and intent of this article by simulated scheme, transaction or device, or performing mechanical work without a valid permit.
- (b) The City may withhold the issuing or renewal of a license or registration certificate to an applicant by the same process used for revocation or suspension as described in subsections (a)(1) through (8) of this section.

Sec. 10-6. Appeals.

Appeals of orders, decisions, or determinations made by the City's Building Official in interpreting or applying building regulations shall be to the City Council. The City Council may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration.

Section 3. Chapter 10 – Buildings and Building Regulations of the Code of Ordinances is amended by repealing Article I. - In General, Article II. – Building Code, Article III. – Residential Code, Article IV. – Air Conditioning and Mechanical Work, Article V. – Electricity; and Article VI. – Plumbing and Gas, as follows:

ARTICLE I. IN GENERAL

Sec. 10-1. Fencing of swimming pools, related structures.

(a) Definitions. The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Poolside means the side of an object nearest to a swimming pool.

Private residential swimming pool means any swimming pool located on private property under the control of the head of household there residing, the use of which is limited to swimming or bathing by members of such head's family or their invited guests.

Public swimming pool means any swimming pool, other than a private residential swimming pool, used or designed to be used collectively by numbers of persons for swimming or bathing operations, whether the admission of such persons is free of charge or not.

Swimming pool or related structure means any structure, basin, chamber or tank containing an artificial body of water or other liquid having a depth of two feet or more at any point, including but not limited to private residential swimming pools, public swimming pools, oil vats, detention ponds, ponds, and any and all bodies of water or other liquid used for swimming, diving or recreational bathing. Expressly excluded from this definition are stock tanks and other open structures having at least one side with a 3:1 slope.

(b) Enclosure required. Every person in possession of land within the corporate limits of the city, either as owner, purchaser under contract, lessee, tenant, or licensee, upon which is situated a swimming pool or related structure shall, except as hereinafter set forth, at all times maintain upon the lot or premises on which the swimming pool or related structure is located, and completely surrounding the swimming pool or related structure, lot or premises, a fence, wall

~~or other solid structure designed to prevent small children from inadvertently wandering into the swimming pool or related structure.~~

~~(1) Such fence, wall or other solid structure shall not be less than four feet in height, with no openings therein, other than self latching doors or gates, of a width greater than four inches, and without a fixed or detachable stile or ladder.~~

~~(2) All gates or doors opening into such enclosure shall be equipped with self-closing and self-latching devices capable of automatically closing such gates or doors.~~

~~(3) The self latching devices shall be fixed to the gates or doors not less than 30 inches in height above the highest surface below such gate or door.~~

~~(c) When permit not required. If a swimming pool or related structure is in a patio, in a court or in a room which can be reached only through the living quarters of the person in possession of the land, there need be no other enclosure and such gates or doors as may be in such living quarters enclosure need not be equipped as required by subsection (b) of this section.~~

~~(d) Exemption permit. If a swimming pool or other related structure is so remote from populated areas that the space surrounding the pool would be a deterrent to keep small children from inadvertently wandering into the swimming pool or other structure, then upon determination by the city that the pool is located a sufficient distance away from populated areas, the city may issue a permit to the landowner exempting him from this section, such permit to be renewable every year from the date of issuance. Upon the date of issuance, the landowner must submit sufficient evidence that the area surrounding the pool has not become populated. If the area becomes populated, the city shall revoke the permit and require compliance with this section within 30 days following such revocation.~~

~~(e) Use of structure. A single family dwelling house or accessory building may be used as part of the enclosure required by this section, whether fence, wall or other solid structure, around a private residential swimming pool.~~

~~(f) Inspection, approval. The final inspection and approval of a swimming pool for which a building permit is issued by the city shall be withheld until all requirements of this section have been complied with by the owner, purchaser under contract, lessee, tenant, or licensee, and so certified by the city administrator, or his duly authorized agent.~~

~~(g) Compliance. It shall be unlawful for any person to maintain any swimming pool in the city which is not enclosed in accordance with the requirements of this section or which does not have a valid permit exempting it from the operation of this section.~~

~~(Code 1978, § 5-2; Code 1993, § 14-2)~~

~~Secs. 10-2 — 10-20. Reserved.~~

ARTICLE II. BUILDING CODE

~~Sec. 10-21. International Building Code adopted.~~

~~The International Building Code, 2015 edition, hereinafter sometimes referred to as the "code," as published by the International Code Council, Inc., is hereby adopted. A copy of said~~

code is made a part hereof for all purposes, an authentic copy of which shall be kept on file with the city secretary.

(Code 1993, § 14-35; Ord. No. 2005-13, § 1(14-35), 12-19-2005; Ord. No. 2014-10, § 1(14-35), 5-5-2014; Ord. No. 2019-31, § 1, 11-18-2019)

State law reference(s) — International Building Code as the commercial building code in this state, V.T.C.A., Local Government Code § 214.216.

Sec. 10-22. Amendments to the International Building Code.

(a) Section 101 of the building code adopted in section 10-21 is hereby amended by adding a new Section 101.2.2 and amending Section 101.4.1 to read as follows:

101.2.2 Existing buildings. This code shall apply to alterations, repairs, renovations and additions to existing buildings as follows:

(1) If, within any 12-month period, alterations, additions, renovations, repairs, or any combination thereof, costing in excess of 50 percent of the then physical value of the building, or involving 50 percent or more of the square footage of the building, are made to an existing building in the floodplain, such building and associated mechanical, electrical, plumbing and fuel gas equipment, fixtures and appurtenances shall be made to conform to the requirements of this code applicable to new buildings in regards to the Design Flood Elevation.

(2) If an existing building is damaged by fire or otherwise in excess of 50 percent of its then physical value before such damage is repaired, it shall be made to conform to the requirements of this code applicable to new buildings, except in regards to slab height where the structure is located outside the floodplain, the footprint is not modified and the slab is intact.

(3) For the purpose of this section physical value of the building shall be its appraised value as shown on the county's latest tax roll. Alternatively, upon filing for an appeal to the floodplain manager, a professional market appraisal for the pre-event evaluation, assessed post-event, may be submitted for review.

(4) If the occupancy classification of any existing building is changed (i.e. B-occupancy is changed to A-occupancy), the building shall be made to conform to the requirements of this code applicable to the new occupancy classification. If the occupancy classification of only a portion of an existing building is changed and that portion is separated from the remainder as stipulated in Chapter 3, then only such portion need conform to the requirements imposed by this Section.

101.4.1 Electrical. The provisions of the National Electrical Code, 2017 edition, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(b) Section 103 of said code is hereby amended to provide as follows:

103. Department of Building Safety. The enforcement of this code shall be under the administrative and operational control of the building official. The building official shall have such duties, and shall be selected and serve in the position at the pleasure of the city manager

~~and may be removed without cause by city manager. The building official may appoint deputies to assist him/her. Said deputies shall serve at the pleasure of the building official and may be removed without cause by the building official.~~

~~(c) Section 104 of said code is hereby amended to provide as follows:~~

~~104. Duties and Power of Building Official.~~

~~104.1 General. The building official is hereby authorized and directed to enforce all of the provisions of this code. The building official shall have the power to render interpretations of this code and to adopt and enforce written rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code. Any reference in this code to the code official shall mean the building official or the building official's designee.~~

~~104.3 Notices and orders. Whenever any work is being done contrary to the provisions of this code, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall stop work until authorized in writing by the building official to proceed with the work.~~

~~(d) Section 105 of said code is hereby amended by adding a new section 105.8 to provide as follows:~~

~~105.8 Liability Insurance. The person or entity that will actually perform the work or services covered by a permit shall provide to the city evidence of comprehensive general liability insurance, issued by a company licensed to do business in Texas, in the following amounts, for the duration of the permit, and shall furnish certificates of insurance to the city as evidence thereof. The certificates shall provide that the insurance shall not be canceled, reduced, or changed without 30 days advance notice to the city.~~

~~Comprehensive general liability insurance covering all risks associated with the work, with a minimum limit as currently established or as hereafter adopted by resolution of the city council from time to time, or a property damage limit equal to or exceeding the amount of the contract amount, whichever is greater.~~

~~(e) Section 109.4 of said code is hereby amended to provide as follows:~~

~~109.4 Work commencing before permit issuance. The fee for work commenced without a permit shall be double the fee set forth in the fee schedule adopted by the city.~~

~~(f) Section 111.1 of said code is hereby amended to provide as follows:~~

~~111.1 Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein.~~

~~Issuance of certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the city. Certificates presuming to give authority to violate or cancel the provisions of this code, or other ordinances of the city shall not be valid.~~

(g) Section 113.1 of the code is hereby amended to provide as follows:

113.1 General. Appeals of orders, decisions, or determinations made by the city's building official in interpreting or applying this code shall be to the city council. The city council may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration.

(h) Section 113.2 and 113.3 of the code are hereby deleted in their entirety.

(i) Section 114 of said code is hereby deleted in its entirety and the penalty provision in section 1-14 of the City Code is substituted in its place.

(j) Section 903.2, entitled "Where Required" is hereby amended to read as follows:

903.2 Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described by Sections 903.2.1 through 903.2.12, as interpreted by the fire code official.

(k) Appendices:

(1) The following appendices contained in this code are deleted in their entirety:

Appendix A, Employee Qualifications;

Appendix B, Board of Appeals;

Appendix D, Fire Districts;

Appendix E, Supplementary Accessibility Requirements;

Appendix H, Signs;

Appendix I, Patio Covers;

Appendix K, Administrative Provisions;

Appendix L, Earthquake Recording Instrument; and

Appendix M, Tsunami-Generated Flood Hazard.

(2) The following appendices are hereby adopted:

Appendix C, Group U Agricultural Buildings;

Appendix F, Rodentproofing; and

Appendix G, Flood-Resistant Construction.

(3) Appendix J of said code is hereby adopted and the following sections are amended as follows:

J106.1 Maximum Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 3 horizontal to 1 vertical (33 percent) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:

A cut surface may be at a slope of 2 horizontal to 1 vertical (50 percent) provided that all the following are met:

1.1. It is not intended to support structures or surcharges.

1.2. It is adequately protected against erosion.

1.3. It is no more than 8 feet (2438 mm) in height.

1.4. It is approved by the building official.

A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100 percent).

J107.6 Maximum Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 3 horizontal to 1 vertical (33 percent) shall be justified by soils reports or engineering data.

(Code 1993, § 14 36; Ord. No. 2005 13, § 1(14 36), 12 19 2005; Ord. No. 2014 10, § 1(14 36), 5 5 2014; Ord. No. 2019 31, § 2, 11 18 2019)

Secs. 10 23—10 47. Reserved.

ARTICLE III. RESIDENTIAL CODE

Sec. 10 48. International Residential Code adopted.

The International Residential Code, 2015 edition, hereinafter sometimes referred to as the "code," as published by the International Code Council, Inc., is hereby adopted. A copy of said code is made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary.

(Code 1993, § 14 325; Ord. No. 2001 25, § 1, 1 7 2002; Ord. No. 2007 13, § 3(14 325), 11 5 2007; Ord. No. 2014 10, § 4(14 325), 5 5 2014; Ord. No. 2019 31, § 3, 11 18 2019)

State law reference(s)—International Residential Code as the municipal residential building code in the state, V.T.C.A., Local Government Code § 214.212.

Sec. 10 49. Conflicts.

Upon any conflict with the provisions of the residential code adopted by section 10 48 and the provisions of this Code, state law or city ordinances, rules or regulations, the provisions of this Code of Ordinances, state law or city ordinances, rules or regulations shall prevail and be controlling.

(Code 1978, § 11 17; Code 1993, § 14 326)

Sec. 10 50. Enforcement.

The code adopted by section 10 48 shall be enforced by the building official.

(Code 1978, § 11 18; Code 1993, § 14 327; Ord. No. 2019 31, § 4, 11 18 2019)

Sec. 10-51. Amendments to the International Residential Code.

(a) Section R103 of the residential code adopted in section 10-48 is hereby amended to provide as follows:

R103 Department of Building Safety. The enforcement of this code shall be under the administrative and operational control of the building official. The building official shall have such duties, and shall be selected and serve in the position at the pleasure of the city manager and may be removed without cause by city manager. The building official may appoint deputies to assist him/her. Said deputies shall serve at the pleasure of the building official and may be removed without cause by building official.

(b) Section R104 of said code is hereby amended to provide as follows:

Section R104 General. The building official is hereby authorized and directed to enforce all of the provisions of this code. The building official shall have the power to render interpretations of this code and to adopt and enforce written rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

Section R104.3 Notices and orders. Whenever any work is being done contrary to the provisions of this code, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall stop work until authorized in writing by the building official to proceed with the work.

(c) Section R105.5 of said code is hereby amended to provide as follows:

R105.5 Expiration. No construction schedule. Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of said permit shall not exceed one and one-half (1½) years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued in order to resume work, together with payment of fees for such reissued permit.

(d) Section R105 of said code is hereby amended by adding a new section R105.10 to provide as follows:

R105.10 Liability Insurance. The person or entity that will actually perform the work or services covered by a permit shall provide to the city evidence of comprehensive general liability insurance, issued by a company licensed to do business in Texas, in the following amounts, for the duration of the permit, and shall furnish certificates of insurance to the city as evidence thereof. The certificates shall provide that the insurance shall not be canceled, reduced, or changed without 30 days advance notice to the city.

Comprehensive general liability insurance covering all risks associated with the work, with a minimum limit as currently established or as hereafter adopted by resolution of the city council from time to time, or a property damage limit equal to or exceeding the amount of the contract amount, whichever is greater.

(e) Section R108.2 of said code is amended to provide as follows:

R108.2 Schedule of permit fees. Fees shall be charged in accordance with the City's fee schedule, as it may be amended from time to time.

(f) Section R108.6 of said code is hereby amended to provide as follows:

R108.6 Work commencing before permit issuance. The fee for work commenced without a permit shall be double the fee set forth in the fee schedule adopted by the city.

(g) Section R110.1 of said code is hereby amended to provide as follows:

Section R110.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the City. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the City shall not be valid.

(h) Section R112.1 of said code is hereby deleted and new section 112.1 is substituted therefor as follows:

112.1. General. Appeals of orders, decisions, or determinations made by the City's building official in interpreting or applying this code shall be to the Zoning Board of Adjustments. The Zoning Board of Adjustments may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration.

(i) Section R112.3 of said code is hereby deleted in its entirety.

(j) Section R113 of said code is deleted in its entirety and the penalty provision in section 1-14 of the City Code is substituted in its place.

(k) Appendices:

(1) The following appendices contained in said code are deleted in their entirety:

Appendix A, Sizing and Capacities of Gas Piping;

Appendix E, Manufactured Housing Used As Dwellings;

Appendix F, Radon Control Methods;

Appendix G, Piping Standards for Various Applications;

Appendix H, Patio Covers;

Appendix I, Private Sewage Disposal;

Appendix J, Existing Buildings and Structures;

Appendix K, Sound Transmission;

Appendix L, Permit Fees;

Appendix M, Home Day Care — R-3 Occupancy;

Appendix N, Venting Methods;

Appendix O, Automatic Vehicular Gates;

Appendix P, Sizing of Water Piping System;

Appendix R, Light Straw Clay Construction;

Appendix S, Strawbale Construction; and

Appendix T, Recommended Procedure for Worst Case Testing of Atmospheric Venting Systems Under N1102.4 or N1105 Conditions <5ACH 50;

(2) The following appendices contained in said code are adopted in their entirety:

Appendix B, Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed For Use With Type B Vents;

Appendix C, Exit Terminals of Mechanical Draft and Direct Vent Venting Systems; and

Appendix D, Recommended Procedure for Safety Inspection of an Existing Appliance Installation.

(1) Table R301.2(1) of said code is completed to provide as follows:

<u>Ground Snow Load</u>	<u>Wind Speed (mph)</u>	<u>Seismic Design Category</u>	<u>Subject to Damage From</u>				<u>Winter Design Temp</u>	<u>Ice Shield Underlay Required</u>
			<u>Weathering</u>	<u>Frost Line Depth</u>	<u>Termite</u>	<u>Decay</u>		
<u>0</u>	<u>110 b or c</u>	<u>A</u>	<u>Negligible</u>	<u>6"</u>	<u>Very heavy</u>	<u>Slight to moderate</u>	<u>32</u>	<u>No</u>
<u>Flood Hazards</u>					<u>Air Freezing Index</u>		<u>Mean Annual Temp</u>	
<u>FIRM and FBFM as adopted by City Code Section 10-395 Firm and FBFM</u>					<u>9</u>		<u>69.9</u>	

(m) Section P2603.5.1 of said code is hereby amended to provide as follows:

P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be not less than six inches (6") below finished grade at the point of septic tank connection. Building sewers shall not be less than eighteen inches (18") below grade.

(Code 1993, § 14-328; Ord. No. 2001-25, §§ 2, 3, 1-7-2002; Ord. No. 2007-13, § 3(14-328), 11-5-2007; Ord. No. 2014-10, § 4(14-328), 5-5-2014; Ord. No. 2019-31, § 5, 11-18-2019)

Secs. 10-52 — 10-75. Reserved.

ARTICLE IV. AIR CONDITIONING AND MECHANICAL WORK

Sec. 10-76. International Mechanical Code adopted.

The International Mechanical Code, 2015 edition, hereinafter sometimes referred to as the "code," as published by the International Code Council, Inc., is hereby adopted. A copy of said code is attached hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary.

(Code 1993, § 14-65; Ord. No. 2001-24, § 1, 1-7-2002; Ord. No. 2007-13, § 1(14-65), 11-5-2007; Ord. No. 2014-10, § 2(14-65), 5-5-2014; Ord. No. 2019-31, § 6, 11-18-2019)

Sec. 10-77. Amendments to the International Mechanical Code.

(a) Section 103 of the mechanical code adopted in section 10-76 is hereby amended to provide as follows:

103 Department of Mechanical Inspection. The enforcement of this code shall be under the administrative and operational control of the building official. The building official shall be selected and serve in the position at the pleasure of the City Manager and may be removed without cause by City Manager. The building official may appoint deputies to assist him/her. Said deputies shall serve at the pleasure of the building official and may be removed without cause by the building official. Any reference in this code to the code official shall mean the building official or the building official's designee

(b) Section 104.1 of said code adopted in section 10-76 is hereby amended to provide as follows:

Section 104.1 General. The building official is hereby authorized and directed to enforce all of the provisions of this code. The building official shall have the power to render interpretations of this code and to adopt and enforce written rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

(c) Section 104.6 of said code adopted in section 10-76 is hereby amended to provide as follows:

Section 104.6 Notices and orders. Whenever any work is being done contrary to the provisions of this code, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall stop work until authorized in writing by the building official to proceed with the work.

(d) Sections 106.4.3 and 106.4.4 of said code are deleted in their entirety and a new section 106.4.3 is substituted therefor as follows:

106.4.3 Expiration. Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of such permit shall not exceed one and one-half (1½) years. If any permitted work is not completed within this limitation, then the permit shall become invalid

~~and must be reissued in order to resume work, together with payment of fees for such reissued permit.~~

~~(e) Section 106 of said code is amended by adding a new section 106.5.4 to provide as follows:~~

~~106.5.4 State License. All persons performing work within the city governed by this code shall be licensed by the State of Texas, and shall submit to the city proof of insurance as required by the state or by statute.~~

~~(f) Section 106.5.2 of said code is hereby deleted as fees shall be charged in accordance with the city's fee schedule, as it may be amended from time to time.~~

~~(g) Section 106.5.3 of said code is hereby deleted in its entirety.~~

~~(h) Section 109 of said code is hereby amended to provide as follows:~~

~~109. Means of Appeal. Appeals of orders, decisions, or determinations made by the building official in interpreting or applying this code shall be to the Zoning Board of Adjustments. The Zoning Board of Adjustments may obtain the assistance of persons who are qualified by experience and training on the particular subject under consideration.~~

~~(i) Section 108 of said code is hereby deleted in its entirety and the penalty provision in section 1-14 of the City Code is substituted in its place.~~

~~(j) Appendices:~~

~~(1) Appendix A, Chimney Connector Pass Throughs, is hereby adopted in its entirety.~~

~~(2) Appendix B, Recommended Permit Fee Schedule, is hereby deleted in its entirety.~~

~~(Code 1993, § 14-66; Ord. No. 2001-24, § 2, 1-7-2002; Ord. No. 2007-13, § 1(14-66), 11-5-2007; Ord. No. 2014-10, § 2(14-66), 5-5-2014; Ord. No. 2019-31, § 7, 11-18-2019)~~

~~Sec. 10-78. Work done by homeowners.~~

~~A homeowner shall be permitted to do mechanical work on the dwelling he resides in, provided a permit is acquired for such work and the work is inspected and approved by the city.~~

~~(Code 1978, § 5-34; Code 1993, § 14-67; Ord. No. 2007-13, § 1(14-67), 11-5-2007)~~

~~Sec. 10-79. Work restricted.~~

~~No mechanical work shall be performed by any person not the holder of a state license, if it is required by the state to have a license, and having complied with all requirements of the state for the performance of such work.~~

~~(Code 1978, § 5-39; Code 1993, § 14-72; Ord. No. 2007-13, § 1(14-68), 11-5-2007)~~

~~Sec. 10-80. Issuance of permits restricted.~~

~~A holder of a master mechanical installer's license who is employed as a master for a person shall take out mechanical permits only for that person, and shall supervise, direct and control the mechanical work for which the mechanical permit is obtained. A master who is engaged in the~~

~~mechanical business for himself shall take out mechanical permits for his business only and no mechanical permit shall be taken out by any master that he does not supervise, direct and control the mechanical work for which the permit was obtained.~~

~~(Code 1978, § 5-41; Code 1993, § 14-73; Ord. No. 2007-13, § 1(14-69), 11-5-2007)~~

~~Sec. 10-81. Misuse of city registration.~~

~~No master mechanical installer shall assign or in any other way convey his registration, the use thereof, or any rights thereunder, to anyone by power of attorney or any other process, or become involved in any type of agreement, assignment or use whereby the master will not have supervision, direction and control of the mechanical work for which the mechanical permit is obtained by the master.~~

~~(Code 1978, § 5-42; Code 1993, § 14-74; Ord. No. 2007-13, § 1(14-70), 11-5-2007)~~

~~Sec. 10-82. Supervision of work.~~

~~All mechanical work performed within the city shall be done under the control, supervision, direction and responsibility of a master. Any other worker who performs the mechanical work under the supervision, control and responsibility of the master shall be an employee of the master.~~

~~(Code 1978, § 5-43; Code 1993, § 14-75; Ord. No. 2007-13, § 1(14-71), 11-5-2007)~~

~~Sec. 10-83. Payroll records.~~

~~For purposes of enforcing this article, the mechanical inspector, or his designated representative, may examine the payroll records for the preceding 12 months of the master, during normal business hours. Should the master fail or refuse to make a full, true and accurate disclosure of his payroll records, the mechanical inspector may, after written notification by certified mail, withhold the issuance of mechanical permits to that master until such time as there has been a full, true and accurate disclosure of the payroll records. Violation of this section will be subject to the penalty as provided in section 1-14 of this Code.~~

~~(Code 1978, § 44; Code 1993, § 14-76; Ord. No. 2007-13, § 1(14-72), 11-5-2007)~~

~~Sec. 10-84. Suspension, withholding or revocation.~~

~~(a) When given a ten-day notice by registered or certified mail, and after a hearing before a board appointed by the city council, where the person notified may be represented by an attorney at law of his choice, the holder of a license or certificate issued under the provisions of this article may have his license or certificate revoked or suspended by the city for any of the following reasons:~~

~~(1) Habitual drunkenness or the use of narcotics.~~

~~(2) Conviction of a crime involving moral turpitude.~~

~~(3) Adjudication of insanity.~~

~~(4) Fraud or misrepresentation in obtaining a registration or permit.~~

~~(5) Violating on more than one occasion, either willfully or maliciously, or by reason of incompetence, any provision of this article or the International Standard Mechanical Code or amendments thereto.~~

~~(6) Conviction of defrauding any person from whom he has rendered or contracted to render service.~~

~~(7) Securing permit for mechanical work not actually performed by the master or by licensed employees under his control, supervision and direction. This is intended to prevent a master from securing a permit for the purpose of evading the spirit and intent of this article by entering into any simulated scheme, transaction or device, whereby mechanical work will be done by persons who are not employees of the master, or employees of his employer.~~

~~(8) Securing a permit under any pretext for any installation concerning which applicant has no valid contract. This is intended to prevent a master from securing a permit for the purpose of evading the spirit and intent of this article by simulated scheme, transaction or device, or performing mechanical work without a valid permit.~~

~~(b) The city may withhold the issuing or renewal of a license or registration certificate to an applicant by the same process used for revocation or suspension as described in subsections (a)(1) thru (8) of this section.~~

~~(Code 1978, § 5 45; Code 1993, § 14 77; Ord. No. 2007 13, § 1(14 73), 11 5 2007)~~

~~Secs. 10 85 – 10 111. Reserved.~~

ARTICLE V. ELECTRICITY¹

DIVISION 1. GENERALLY

Sec. 10 112. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apprentice electrician means the person undertaking electrical work under the direct, constant, personal supervision and control of either a licensed master electrician or a licensed journeyman electrician.

Electrical inspector means the building official or his designee as electrical inspector of the city charged with the enforcement of this article and all provisions of this Code and the pertaining city ordinances.

Electrical work means the installing, maintaining, altering, repairing or erecting of any electrical wiring, apparatus, devices, appliances, fixtures or equipment for which a permit is required by the provisions of this article, except poles and guy anchors installed by any electric, telephone, telegraph, signal and/or public service company as a part of its distribution system.

~~Journeyman electrician means those persons with four years substantiated electrical experience undertaking electrical work under the supervision, direction, and control of a licensed master electrician and who has been properly registered with the city. The term "journeyman electrician," however, shall not include an "apprentice electrician," and nothing in this definition shall be construed as prohibiting an apprentice electrician from doing electrical work under the direct, constant, personal supervision and control of either a licensed master or a licensed journeyman electrician.~~

~~Master electrician means the holder of a master electrician's license as provided in this article. (Code 1993, § 14-100; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-100), 11-5-2012)~~

~~Sec. 10-113. Liability for damages.~~

~~The provisions of this article shall not be construed to relieve from or lessen the responsibility of any party owning, operating, or controlling any electric wiring, apparatus, devices, appliances, fixtures or equipment for damages to person or property caused by any defect therein, nor shall the city be held as assuming by this section any such liability by reason of the inspection authorized in this article, or the certificates of approval issued as provided in this article, or otherwise.~~

~~(Code 1993, § 14-101; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-101), 11-5-2012)~~

~~Sec. 10-114. Unfranchised public utilities.~~

~~(a) No person or public service company that does not operate under a franchise granted by the city shall have the right to install any electrical conduit, wires, ducts, poles or equipment of any character for the transmission, distribution or utilization of electric energy, or for the operation of signals or the transmission of intelligence on, over or under the streets, in the city, without first obtaining from the city council a franchise right or grant for the particular installation so desired to be made, and any such installation so made under such franchise or grant shall be in strict conformity with all pertaining rules, regulations and ordinances of the city.~~

~~(b) Any installation of duct, conduit or wires under the public streets shall be in accordance with this article and other city ordinances covering the use of public places and streets.~~

~~(Code 1993, § 14-103; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2002-05, § 3, 3-18-2002; Ord. No. 2012-20, § 1(14-103), 11-5-2012)~~

~~Secs. 10-115—10-141. Reserved.~~

~~DIVISION 2. ELECTRICAL INSPECTOR~~

Sec. 10-142. Office established.

The office of the electrical inspector is hereby established in and for the city and shall be the city's building official or his designee.

(Code 1993, § 14-115; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-115), 11-5-2012)

Sec. 10-143. Appointment.

The electrical inspector shall be the city's building official or his designee.

(Code 1993, § 14-117; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-116), 11-5-2012)

Sec. 10-144. Office may be combined.

The chief electrical inspector may be the same person as the city building official.

(Code 1993, § 14-118; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-117), 11-5-2012)

Sec. 10-145. Conflict of interest.

It shall be unlawful for the electrical inspectors to engage in the business of the sale, installation or maintenance of electrical wiring, apparatus, devices, appliances, fixtures or equipment either directly or indirectly. They shall have no financial interest in any concern engaged in such business in the city at any time while holding the office of electrical inspector for the city.

(Code 1993, § 14-119; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-118), 11-5-2012)

Sec. 10-146. Interfering with electricians in business.

(a) It shall be unlawful for any person connected with the electrical inspection department of the city in any way whatsoever to solicit business of any kind for any master electrician, or assist or encourage the solicitation of any business for any master electrician.

(b) It shall be unlawful for any person connected with the electrical inspection department of the city to prevent or to assist in preventing any person from doing business with any master electrician whose license has not been suspended or revoked.

(Code 1993, § 14-120; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-119), 11-5-2012)

Sec. 10-147. Duties:

The electrical inspector shall, upon application, cause to be issued permits for the installation and alteration of electrical wiring, devices, appliances, fixtures, apparatus and equipment, and final inspections, and shall be responsible for inspection of all new electrical installations and re-inspections of all electrical installations, as provided for in this article.

(Code 1993, § 14-121; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-120), 11-5-2012)

Sec. 10-148. Right of entry:

The electrical inspector or his designee shall have the right to enter any building in the discharge of his official duties or for the purpose of making any inspection or re-inspection of the installation of electrical electric wiring, apparatus, devices, appliances, fixtures, and electrical equipment.

(Code 1993, § 14-122; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-121), 11-5-2012)

Sec. 10-149. Disconnect service:

The electrical inspectors are hereby empowered, in emergencies, to disconnect and to order the discontinuance of electrical services to any electric wiring, apparatus, device, appliance, fixture or equipment found to be dangerous to life or property within the provisions of this article until such wiring, apparatus, device, appliance, fixture or equipment and its installation has been made safe.

(Code 1993, § 14-123; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-122), 11-5-2012)

Sec. 10-150. Decision of questions:

The electrical inspector shall decide all questions not provided for in this article pertaining to the installation, operation, or maintenance of electric wiring and apparatus, subject to appeal to the city council.

(Code 1993, § 14-124; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-123), 11-5-2012)

Sec. 10-151. Review of decisions:

Any person aggrieved by any action of an electrical inspector may within ten days after such action file a petition, in writing, with the city council and thereupon the city council will render a decision within 15 days. The city council shall have the right to sustain, modify or reverse the action of any electrical inspector, provided, that until such time as the electrical inspector's action is reversed or modified by the city council, such action shall remain in effect. The decision of the city council shall be final.

~~(Code 1993, § 14-125; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-124), 11-5-2012)~~

~~Sec. 10-152. Records.~~

~~The electrical inspector shall keep complete records of all permits issued, inspections and re-inspections made, and other official work performed in accordance with the provisions of this article.~~

~~(Code 1993, § 14-126; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-125), 11-5-2012)~~

~~Secs. 10-153—10-170. Reserved.~~

~~DIVISION 3. ELECTRICIANS~~

~~Subdivision I. In General~~

~~Sec. 10-171. Work restricted.~~

~~No electrical work shall be performed by any person not holding a license required by the provisions of this division.~~

~~(Code 1993, § 14-140; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-140), 11-5-2012)~~

~~Sec. 10-172. Homeowners.~~

~~A homeowner shall be permitted to do electrical work on the dwelling he resides in, provided a permit is acquired for such work and the work is inspected and approved by the electrical inspector.~~

~~(Code 1993, § 14-141; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-141), 11-5-2012)~~

~~Sec. 10-173. Supervision of work.~~

~~All electrical work performed within the city shall be under the control, supervision, direction, and responsibility of a master electrician licensed by the state. A journeyman or apprentice electrician shall perform the actual work under the supervision, control and responsibility of a master electrician.~~

~~(Code 1993, § 14-147; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2002-05, § 4, 3-18-2002; Ord. No. 2004-11, § 2, 12-6-2004; Ord. No. 2012-20, § 1(14-147), 11-5-2012; Ord. No. 2014-10, § 3(14-147), 5-5-2014)~~

~~Secs. 10-174—10-210. Reserved.~~

Subdivision II. Master Electrician

Sec. 10-211. License required.

Except as otherwise provided by this article, it shall be unlawful for any person to perform or contract for electrical work within the city unless such person is licensed by the state as a master electrician.

(Code 1993, § 14-185; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2004-11, § 2, 12-6-2004; Ord. No. 2012-20, § 1(14-185), 11-5-2012; Ord. No. 2014-10, § 1(14-185), 5-5-2014)

Sec. 10-212. Insurance.

(a) For any permits to be issued, the applicant must provide evidence of holding a comprehensive general liability insurance policy (including products liability and completions operations coverage) with minimum limits as currently established or as hereafter adopted by resolution of the city council from time to time. This policy must be issued by a carrier with a rating of B+ or better in the last published edition of Best's Insurance Reports Property Casualty Volume (published by A. M. Best Company, Oldwiche, New Jersey 08858). Proof of the coverage shall be provided in the form of a certificate issued by an authorized agent or employee of the company issuing the policy, that specifies coverage and identifies the insured. Each certificate shall provide that not less than 30 days' written notice shall be given to the city in the event of reduction or cancellation of the policy prior to the expiration date specified on the certificate, or lapse by nonrenewal.

(b) These insurance requirements would not apply to any permits obtained by homeowners as outlined in section 10-172.

(Code 1993, § 14-194; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2014-10, § 3(14-193), 5-5-2014)

Sec. 10-213. Issuance of permits restricted.

A master electrician shall take out electrical permits only under his own license, and shall supervise, direct and control the electrical work for which the electrical permit is obtained.

(Code 1993, § 14-195; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-194), 11-5-2012)

Sec. 10-214. Misuse of license.

No master electrician shall assign or in any other way convey his license, its use, or its rights, to anyone by power of attorney or any other process, or become involved in any type of agreement, assignment or use whereby the master electrician will not have supervision, direction and control of the electrical work for which he has obtained electrical permits.

(Code 1993, § 14-196; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-195), 11-5-2012)

~~Secs. 10 215 — 10 236. Reserved.~~

Subdivision III. Journeyman Electrician

~~Sec. 10 237. License required.~~

~~No person shall undertake any work as a journeyman electrician unless such person has first obtained the appropriate current state electrician license.~~

~~(Code 1993, § 14 210; Ord. No. 2000 30, § 2, 1 2 2001; Ord. No. 2004 11, § 2, 12 6 2004; Ord. No. 2012 20, § 1(14 210), 11 5 2012; Ord. No. 2014 10, § 3(14 210), 5 5 2014)~~

~~Sec. 10 238. Display.~~

~~Every journeyman electrician shall carry his license while performing the acts which this license entitles him to perform.~~

~~(Code 1993, § 14 15; Ord. No. 2000 30, § 2, 1 2 2001; Ord. No. 2012 20, § 1(14 210), 11 5 2012)~~

~~Secs. 10 239 — 10 269. Reserved.~~

Subdivision IV. Apprentice Electrician Registration

~~Sec. 10 270. License required.~~

~~No person shall undertake any work as an apprentice electrician unless such person has first obtained the appropriate current state electrician license.~~

~~(Code 1993, § 14 230; Ord. No. 2000 30, § 2, 1 2 2001; Ord. No. 2004 11, § 2, 12 6 2004; Ord. No. 2012 20, § 1(14 230), 11 5 2012; Ord. No. 2014 10, § 3(14 230), 5 5 2014)~~

~~Sec. 10 271. Display.~~

~~Every apprentice electrician shall carry his license while performing the acts which this license entitles him to perform.~~

~~(Code 1993, § 14 234; Ord. No. 2000 30, § 2, 1 2 2001; Ord. No. 2012 20, § 1(14 234), 11 5 2012)~~

~~Secs. 10 272 — 10 290. Reserved.~~

DIVISION 4. PERMITS AND INSPECTIONS

Sec. 10 291. Permit required.

No wiring, poles, duct line, apparatus, devices, appliances, fixtures or equipment for the transmission, distribution or utilization of electrical energy for any purpose shall be installed within the city limits, nor shall any alteration or addition be made to any such existing wiring, poles, duct lines, apparatus, devices, appliances, fixtures or equipment without first securing a permit.

(Code 1993, § 14 245; Ord. No. 2000 30, § 2, 1 2 2001; Ord. No. 2012 20, § 1(14 245), 11 5 2012)

Sec. 10 292. Exceptions — Enumerated.

(a) No permit shall be required for replacing fuses or lamps or the connection of portable equipment to suitable permanently installed receptacles or for repairs to portable appliances.

(b) No permit shall be required for replacing flush or snap switches, receptacles, light fixtures or minor repairs on permanently connected electrical appliances, replacement of small motors of same voltage, amperage, horsepower, but not to exceed three horsepower.

(c) No permit shall be required for the installation, maintenance or alteration of wiring poles and down guys, apparatus, devices, appliances or equipment for telegraph, telephone, signal service or central station protective service used in conveying signals or intelligence, except where electrical work is done on the primary side of the source of power at a voltage over 50 volts and of more than 500 watts.

(d) No permit shall be required for the installation, maintenance or alteration of electric wiring, apparatus, devices, appliances or equipment to be installed by an electric public service company for the use of such company in the generation, transmission, distribution, sale or utilization of electrical energy. However, an electric public service company shall not do any wiring on a customer's premises other than wiring which is a part of the company's distribution system, including metering equipment wherever located and transformer vaults in which company's transformers are located, nor shall any of its employees do any work other than that done for such company as hereinbefore provided for, by virtue of this exception.

(e) No permit shall be required for the installation of temporary wiring, apparatus, devices, appliances or equipment used by a recognized electrical training school or college.

(f) No permit shall be required for the installation and maintenance of railway crossing signal devices when such is performed by due authority of the railroad and in accordance with the standards of the American Railroad Association.

(Code 1993, § 14 246; Ord. No. 2000 30, § 2, 1 2 2001; Ord. No. 2012 20, § 1(14 246), 11 5 2012)

Sec. 10 293. Same — Compliance.

Where no permit is required for the installation or repair of wiring, apparatus, devices, or equipment for the transmission, distribution, or utilization of electrical energy for any purpose, the

~~wiring, apparatus, devices or equipment shall be installed or repaired in conformity with the provisions of the version National Electrical Code adopted by Council.~~

~~(Code 1993, § 14-247; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-247), 11-5-2012)~~

Sec. 10-294. Emergencies.

~~The electrical inspector may issue and enforce any rules or regulations he may deem necessary covering the granting of emergency permits.~~

~~(Code 1993, § 14-251; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-251), 11-5-2012)~~

Sec. 10-295. Application.

~~(a) To obtain an electrical permit, the applicant shall first file an application in writing. Each application shall:~~

~~(1) Identify and describe the work to be covered by the permit.~~

~~(2) Describe the location of the proposed work by street address.~~

~~(3) Show the use or occupancy of the building.~~

~~(4) Be accompanied by plans and specifications as required by the electrical inspector. However, a permit may be issued covering part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been made complying with all pertinent requirements of this article. The holder of such permit may proceed without assurance that the permit covering the work in the entire building or structure will be granted.~~

~~(5) Be signed by the master electrician.~~

~~(b) The permit, when issued, shall be issued to the applicant to cover the proposed work as described and detailed. Any changes or additions must be covered by additional permits at the time changes are made.~~

~~(Code 1993, § 14-252; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2002-05, § 6, 3-18-2002; Ord. No. 2012-20, § 1(14-252), 11-5-2012)~~

Sec. 10-296. Checking of plans and specifications.

~~The application, plans, and specifications filed by an applicant for an electrical permit shall be checked by the electrical inspector. The issuance of a permit based upon these plans and specifications shall not prevent the electrical inspector from requiring the correction of errors. Such plans may be reviewed by other departments of the city to check compliance with laws and ordinances under their jurisdiction.~~

~~(Code 1993, § 14-253; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2002-05, § 7, 3-18-2002; Ord. No. 2012-20, § 1(14-253), 11-5-2012)~~

Sec. 10 297. Fees.

(a) Before any permit shall be issued, under the provisions of this division, the applicant shall pay fees according to the established schedule adopted by resolution of the city council from time to time.

(b) Ordinary fees will be doubled for any permit issued after the work has been started or after the work has been partially completed or concealed.

(c) In case it becomes necessary to make a re inspection of any work, fees will be charged according to the established schedule.

(Code 1993, § 14 254; Ord. No. 2000 30, § 2, 1 2 2001; Ord. No. 2012 20, § 1(14 254), 11 5 2012)

Sec. 10 298. Temporary installations.

No permit for temporary use shall be valid for a longer period than 90 days unless required for construction purposes. At the end of 90 days, the electrical inspector may issue written instructions to the electric public service company to disconnect service to the temporary installation. A letter addressed to "occupant" at the address of the temporary installation shall be deemed as being sufficient to notify the owner, if name and address of owner is not known to the electrical inspector.

(Code 1993, § 14 255; Ord. No. 2000 30, § 2, 1 2 2001; Ord. No. 2012 20, § 1(14 255), 11 5 2012)

Sec. 10 299. Display.

Any permit for electrical work shall be displayed in a visible location.

(Code 1993, § 14 261; Ord. No. 2000 30, § 2, 1 2 2001; Ord. No. 2012 20, § 1(14 261), 11 5 2012)

Sec. 10 300. Expiration.

Every permit issued shall expire and become null and void if the building or work authorized by such permit is not commenced within 60 days from the date of the permit or if the building or work authorized by the permit has been suspended for a period of 180 days. Before such work can be restarted, a new permit shall be obtained.

(Code 1993, § 14 262; Ord. No. 2000 30, § 2, 1 2 2001; Ord. No. 2012 20, § 1(14 262), 11 5 2012)

Sec. 10 301. Refusal to finish installation.

Any electrical contractor who accepts payment for electrical work, then refuses to finish the work for which a permit was issued, shall, after written notification by the electrical inspector, and

~~after being reviewed by the city council, be prohibited from pulling permits or performing new work within the city limits until such work is completed.~~

~~(Code 1993, § 14-263; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-263), 11-5-2012)~~

~~Sec. 10-302. Suspension or revocation.~~

~~The electrical inspector may, in writing, suspend or revoke an electrical permit issued under the provisions of this division whenever the permit is issued in error or on the basis of incorrect information supplied or when in violation of any ordinance, regulation or any of the provisions of this article.~~

~~(Code 1993, § 14-264; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-264), 11-5-2012)~~

~~Sec. 10-303. Certificate of approval.~~

~~When the electrical work is found to be in compliance with this article, the electrical inspector shall give approval to the public utility company authorizing connection of the electrical service.~~

~~(Code 1993, § 14-269; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-269), 11-5-2012)~~

~~Sec. 10-304. Death of master electrician.~~

~~After the death of a master electrician, for a period of 60 days, any person engaged in the electrical contractor business shall have the privilege of completing any work currently authorized under the master electrician's license.~~

~~(Code 1993, § 14-272; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2012-20, § 1(14-272), 11-5-2012; Ord. No. 2014-10, § 3(14-272), 5-5-2014)~~

~~Sec. 10-305. Electrical code adoption.~~

~~(a) With the passing of the ordinance from which this article derives, the 2017 edition of the National Electrical Code, NFPA 70, prepared by the National Fire Protection Association, Inc., will be adopted.~~

~~(b) In case of conflict between the provisions of the National Electrical Code and the provisions of this article, this article shall prevail. In the case of a conflict between the National Electrical Code and any other code adopted by this article, the most restrictive provision shall prevail.~~

~~(Code 1993, § 14-285; Ord. No. 2000-30, § 2, 1-2-2001; Ord. No. 2007-13, § 2, 11-5-2007; Ord. No. 2012-20, § 1(14-284), 11-5-2012; Ord. No. 2014-10, § 3(14-284), 5-5-2014; Ord. No. 2019-31, § 8, 11-18-2019)~~

Sec. 10 306. Reserved.

Editor's note(s) — Ord. No. 2019 31, § 9, adopted Nov. 18, 2019, repealed § 10 306, which pertained to special provisions and derived from the 1993 Code; Ord. No. 2000 30, adopted Jan. 2, 2001; Ord. No. 2012 20, adopted Nov. 5, 2012; Ord. No. 2012 42, adopted Oct. 15, 2012; Ord. No. 2012 49, adopted Nov. 19, 2012.

Secs. 10 307 — 10 332. Reserved.

ARTICLE VI. PLUMBING AND GAS

DIVISION 1. GENERALLY

Sec. 10 333. Compliance with plumbing license law required.

Before any person shall do any work or make any connections with the sewer or gas system in the city, or do any plumbing work connected or intended to be connected with the sewer or gas system, he shall be licensed as provided in the state plumbing license law, V.T.C.A., Occupations Code ch. 1301.

(Code 1978, § 19-1; Code 1993, § 14-390)

Secs. 10 334 — 10 356. Reserved.

DIVISION 2. CODES

Sec. 10 357. International Plumbing Code adopted.

The International Plumbing Code, 2015 edition, hereinafter sometimes referred to as the "code," as published by the International Code Council, Inc., and as amended herein, is hereby adopted. A copy of said code made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary.

(Code 1993, § 14 405; Ord. No. 2001 26, § 1, 1-7-2002; Ord. No. 2007 13, § 4(14 405), 11-5-2007; Ord. No. 2014 10, § 5(14 405), 5-5-2014; Ord. No. 2019 31, § 10, 11-18-2019)

Sec. 10 358. Amendments to the International Plumbing Code.

(a) Section 103 of the plumbing code adopted in section 10 357 is hereby amended to provide as follows:

103 Department of Plumbing Inspection. The enforcement of this code shall be under the administrative and operational control of the building official. The building official shall have such duties, and shall be selected and serve in the position at the pleasure of the City Manager and may be removed without cause by City Manager. The building official may appoint deputies to assist him/her. Said deputies shall serve at the pleasure of the building

~~official and may be removed without cause by the building official. Any reference in this code to the code official shall mean the building official or the building official's designee.~~

~~(b) Section 104 of said code is hereby amended by adding a new section 104.8, to provide as follows:~~

~~104.8 Stop Work Orders. Whenever any work is being done contrary to the provisions of this code, the Building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall stop work until authorized in writing by the building official to proceed with the work. The building official shall issue all necessary notices or orders to ensure compliance with this code.~~

~~(c) Sections 106.5.3 and 106.5.4 of said code are deleted in their entirety and a new section 106.5.3 is substituted therefor as follows:~~

~~106.5.3 Expiration. Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of said permit shall not exceed one and one half (1½) years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued in order to resume work, together with payment of fees for such reissued permit.~~

~~(d) Section 106.6.1 of said code is hereby amended to provide as follows:~~

~~106.6.1 Work commencing before permit issuance. The fee for work commenced without a permit shall be double the fee set forth in the fee schedule adopted by the City.~~

~~(e) Section 106.6.3 of said code is deleted in its entirety.~~

~~(f) Section 106.6.2 of said code is hereby amended to provide as follows:~~

~~106.6.2 Fee schedule. Fees shall be charged in accordance with the City's fee schedule, as it may be amended from time to time.~~

~~(g) Section 106 of said code is amended by adding a new section 106.6.4, which provides as follows:~~

~~106.6.4 State License. All persons performing work in the City governed by this code shall be licensed by the State of Texas, and shall submit to the City proof of insurance as required by the State or by statute.~~

~~(h) Section 109 of said code is hereby amended to provide as follows:~~

~~109. Means of Appeal. Appeals of orders, decisions, or determinations made by the building official in interpreting or applying this code shall be to Zoning Board of Adjustments. The Zoning Board of Adjustments may obtain the assistance of persons who are qualified by experience and training on the particular subject under consideration.~~

~~(i) Section 108 of said code is deleted in its entirety and the penalty provision in section 1-14 of the City Code substituted in its place.~~

~~(j) Section 305.4.1 of said code is hereby amended to provide as follows:~~

~~305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be installed not less than six inches (6") below finished grade at the point of septic tank connection. Building sewers shall be installed not less than eighteen inches (18") below grade.~~

~~(k) Section 903.1 of said code is hereby amended to provide as follows:~~

~~903.1 Roof extension. Open vent pipes that extend through a roof shall be terminated not less than six inches (6") above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than seven feet (7') above the roof.~~

~~(l) Appendices.~~

~~(1) Appendix A, Plumbing Permit Fee Schedule, is deleted in its entirety~~

~~(2) The following appendices contained in the code are adopted in their entirety:~~

~~Appendix B, Rates of Rainfall for Various Cities;~~

~~Appendix C, Structural Safety;~~

~~Appendix D, Degree Day and Design Temperature; and~~

~~Appendix E, Sizing of Water Piping System.~~

~~(Code 1993, § 14-406; Ord. No. 2001-26, § 1, 1-7-2002; Ord. No. 2007-13, § 4(14-406), 11-5-2007; Ord. No. 2014-10, § 5(14-406), 5-5-2014; Ord. No. 2019-31, § 11, 11-18-2019)~~

Secs. 10-359 — 10-368. Reserved.

Section 4. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law and the City’s Home Rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE ____ DAY OF _____ 2024.

COUNCILMAN FORD	_____
COUNCILMAN GARCIA	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN COVINGTON	_____
COUNCILMAN PARR	_____

SECOND READING:

READ, PASSED, AND ORDAINED AS SET OUT BELOW AT A REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE ____ DAY OF
_____ 2024.

COUNCILMAN FORD	_____
COUNCILMAN GARCIA	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN COVINGTON	_____
COUNCILMAN PARR	_____

LORI KLEIN QUINN, Mayor
City of Tomball

ATTEST:

Tracy Garcia, City Secretary
City of Tomball