

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WOODCREEK, TEXAS AMENDING
ORDINANCE NO. 22-299 § 151.03 TO CLARIFY WHEN A BUILDING PERMIT IS
REQUIRED; REPEALING ALL ORDINANCES IN CONFLICT WITH THE
PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE.**

WHEREAS, The City of Woodcreek desires to provide clarity as to when a building permit will and will not be required; and

WHEREAS, The City of Woodcreek desires to set a timeframe for the processing of building permits, including when a building permit will be deemed approved.

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

I. FINDING OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

II. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

III. CODIFICATION

The City Secretary is hereby authorized and directed to record and publish the language of this Ordinance, and any changes thereto, in the City's Code of Ordinances.

IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon its passage and the publication of caption of this ordinance.

V. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED AND APPROVED this, the ____ day of _____ 2022, by a vote of ____ Ayes to ____ Nays to ____ Abstentions of the City Council of Woodcreek, Texas.

City of Woodcreek:

By: _____
Mayor Jeff Rasco

Attest:

By: _____
Brenton B. Lewis, Interim City Secretary

§ 151.03 - JURISDICTION.

(A) It shall be unlawful for any person or persons to erect, construct or alter any building, accessory building or structure in the City or cause the same to be done, unless the provisions of this subchapter are complied with and a building permit has been issued by the City prior to the start of any of the aforementioned activities.

(B) Any changes in building plans after the building permit is issued must be resubmitted for approval.

(C) Notwithstanding any provision of this building code, a building permit is not required for property interior or exterior repairs or renovations that do not involve structural changes to any building or accessory building. Structural changes (hereafter “structural changes”) include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting egress requirements (*consistent with IRC R105.2.2*).

(D) A building permit is required for property interior or exterior repairs or renovations that involve structural changes or repairs to any building or accessory building.

(E) A permit is required for the addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, solid waste, vent or similar piping, electric wiring, or mechanical or other work affecting public health or public safety (*consistent with IRC R105.2.2*).

(F) Notwithstanding any provision of this building code, a building permit is not required for roof repairs or reroofing work that is being performed by or on behalf of the property owner provided such work does not (1) involve structural changes to the residence; or (2) the new installation of different or heavy heavier roofing materials such as metal, concrete, tile or slate; ~~(2) change the roofing material~~; and/or (3) otherwise increase the roof load. ~~If the roof repairs or reroofing work involves structural changes, or involves the installation of heavy roofing materials such as tile or slate, a building permit is required for such work.~~ Further, any installation of a new roof covering over an existing roof covering shall require a permit and shall be evaluated under Section 1511.3.1 of the IBC or any successor section

(G) A building permit is required if any repair, addition or renovation results in an increase in the overall impervious cover footprint for the property.

(H) A building permit is required for any renovation that changes the use or occupancy of any portion of any structure from a non-habitable space to a habitable space (as defined by IRC R202 or any successor section). ~~being not fit for human occupation to being fit for human occupation shall require a permit.~~

§ 151.08 - PROCESSING.

When a completed application is received (that is an application that contains all required information, documentation, signatures, and fees to support a decision), the City shall provide the applicant(s) written notice stating a completed application has been received by electronic mail and/or certified mail. The application shall be approved or denied within 45 calendar days following the day on which written notice of a completed application is sent to the applicant(s). If the 45th day falls on a weekend and/or holiday, then the date for approval or denial shall be the first business day immediately following the 45th day. If the application is approved, the City will issue a building permit to the applicant(s). If the application is denied, the applicant(s) will be notified in writing how the application is not in compliance with City ordinances. The building permit fee will not be refunded if the application is not approved. Plans may be resubmitted to the City for reconsideration for a fee in accordance with Chapter 35. If the City fails to approve or deny the completed application within 45 calendar days of the day on which the City provides the applicant(s) written notice stating a completed application has been received, then the application will be deemed approved, and the applicant(s) may proceed with completing all work provided for in the application as if a permit has been received.

FOR PACKET ILLUSTRATION ONLY

IBC SECTION 1511.3.1 - ROOF RE-COVER

The installation of a new roof covering over an existing roof covering shall be permitted where any of the following conditions occur:

1. Where the new roof covering is installed in accordance with the roof covering manufacturer's approved instructions.
2. Complete and separate roofing systems, such as standing-seam metal roof panel systems, that are designed to transmit the roof loads directly to the building's structural system and that do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.
3. Metal panel, metal shingle and concrete and clay tile roof coverings shall be permitted to be installed over existing wood shake roofs when applied in accordance with Section 1511.4.
4. The application of a new protective roof coating over an existing protective roof coating, metal roof panel, built-up roof, spray polyurethane foam roofing system, metal roof shingles, mineral-surfaced roll roofing, modified bitumen roofing or thermoset and thermoplastic single-ply roofing shall be permitted without tear off of existing roof coverings.

IRC SECTION R202 – DEFINITIONS

HABITABLE SPACE - A space in a building for living, sleeping or cooking. Bathrooms, toilet rooms, closets, storage or utility areas are not considered habitable spaces.