

**CITY OF NEDERLAND
BUILDING CODE**

ORDINANCE NO. 2004-03

AN ORDINANCE OF THE CITY OF NEDERLAND ADOPTING AND REVISING THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; PROVIDING FOR TEMPORARY SERVICE, A CONTRACTOR'S BOND, CRIMINAL PENALTIES AND SEVERABILITY; REPEALING ORDINANCE 2000-02 AND ALL ORDINANCES OR PART OF ORDINANCES IN CONFLICT THEREWITH, EXCEPT FOR ORDINANCE 2001-07

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

Section 1. That Section 18.26 of the Code of Ordinances, City of Nederland, Texas, is hereby amended to read as follows:

That a certain document, of which is on file in the office of the Chief Building Official of the City of Nederland, being marked and designated as the International Building Code, including Appendix Chapter H, as published by the International Code Council, Inc., be and is hereby adopted as the Nederland Building Code, in the State of Texas for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and revisions, if any, prescribed in Section 2 of this ordinance.

Section 2. That Section 18.27 of the Code of Ordinances, City of Nederland, Texas, is hereby amended as follows:

Section 101.1 of the International Building Code is amended by adding “The City of Nederland” in the blank provided.

Section 108.2, is amended by adding a schedule of fees to read as follows:

Fee schedules:

Building Permit: The fee charged for issuance of a building permit shall be based upon the valuation of the proposed construction as follows:

Total Valuation	Fee
Up to \$999.99	\$10.00 for any amount up to \$999.99
\$1,000.00 to \$49,999.99	\$15.75 for the first \$1,000.00 plus \$5.25 for each additional thousand or fraction thereof, to and including \$49,999.99
\$50,000.00 to \$99,999.99	\$273.00 for the first \$50,000 plus \$4.20 for each additional thousand or fraction thereof, to and including \$99,999.99
\$100,000.00 to \$499,999.99	\$483.00 for the first \$100,000.00 plus \$3.15 for each additional thousand or fraction thereof, to and including \$499,999.99
\$500,000.00 and up	\$1,743.00 for the first \$500,000.00 plus \$2.10 each additional thousand or fraction thereof.

Moving fee: For the moving of any building or structure, the fee shall be \$150.00. This fee is in addition to any building permit fee.

Demolition fee: For the demolition of any building or structures, the fee shall be \$50.00.

Plan check fees: When the valuation of the proposed construction exceeds one hundred thousand dollars (\$100,000.00) and a plan is required to be submitted by 106.1 and/or 106.2, a plan-check fee shall be paid to the City at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one-half (1/2) of the building permit fee. Such plan-checking fee is in addition to the building permit fee.

Section 108.4 pertaining to fees for work commenced prior to the issuance of a required permit, is hereby amended to add the required fee to read as follows:

Where work for which a permit is required by this code is started or preceded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

Section 111.4 is hereby added to read as follows:

Section 111.4 Temporary service. Temporary electrical service may be supplied to a building that is under construction after the owner of the building and the general contractor make such request on a form provided by the Building Official. The temporary service shall be provided for a period not to exceed three (3) months. At the end of three (3) months, ten (10) days written notice shall be provided to the owner or occupant that the electrical service will be disconnected unless permanent approval or an additional temporary permit has been issued. The Building Official shall then issue written instructions to the electricity provider to disconnect the temporary electrical service. A letter addressed to "occupancy," at the address of the temporary service shall be deemed as sufficient to notify the owner if the name and address of the owner are not known.

Section 113.4 is amended to read as follows:

Section 113.4 Violation and penalties. Any person who shall violate any provision of the Nederland Building Code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or who shall cause to be erected, constructed, altered, repaired, moved, or demolished a building or structure, in violation of a detailed statement or drawing submitted and approved thereunder, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of such code is committed, or continued, and upon conviction of any such violation such person shall be punished as provided in section 1-4 of the Code of Ordinances, City of Nederland, Texas.

Section 113.5 is hereby added to read as follows:

Section 113.5 Contractor's Bond

(a) It shall be the duty of every person, firm, corporation, contractor or builder, who shall make contracts for the erection or construction or repair of buildings or structures for which a permit is required, to obtain the proper license and deposit with the City a good and sufficient bond in the sum of \$15,000.00, conditioned that the person, firm, corporation contractor, or builder will faithfully conform to the building regulations of the City of Nederland, and further, that the City shall be indemnified and saved harmless from all calms arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm, corporation, contractor, or builder or by any other inadequate work don either by themselves or their agents or employees. The bond shall be so written as to allow a third party to file on the bond without the assistance of the city.

(b) A building contractor's bond may be revoked, after notice and hearing before the City Manager or his designee, for any of the following reasons:

- (1) Reoccurring incidents of work performed not in accordance with the Nederland Building Code and the holder refuses to correct the violation after being given sufficient notice of said violations; or

- (2) The bond or permits were obtained or extended by fraud or deception; or
- (3) That one or more of the terms or conditions imposed by the bond has not been met or has been violated; or
- (4) Failure or the bondholder to comply with the requirements of the International Building Code, as

(c) Prior to revocation of the bond, the City Manager or his designee shall notify the bond holder in writing, stating the reasons for which the bond is subject to revocation and advising that the bond shall be permanently revoked at the end of five (5) calendar days following the service of such notice, unless a request for a hearing is filled with the City Manager or his designee by the bond holder, within such a five-day period. A bond may be suspended for cause pending its revocation or a hearing related thereto. If no request for hearing is filed within the five-day period, the revocation of the bond becomes final. The bondholder may not perform any work in the City during the period of suspension pending the outcome of the hearing.

(d) Service of notice – Notice provided for in this ordinance shall be deemed to have been properly served when the notice has been delivered personally to the bond holder, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the bond holder. A copy of such notice shall be filed with the records of the City Manager or his designee.

(e) Hearings—The hearings provided for in this ordinance shall be conducted by the City Manager or his designee at a time and place designated by him. Based upon the record of such hearing, the City Manager or his designee shall make a final finding and shall sustain, modify, or rescind any official notice or order considered in the hearing.

(f) Application after revocation—Whenever a revocation of a bond has become final, the bondholder of the revoked bond may make written application for a new bond after a period of six (6) months.

Sections 907.2.1 through 907.2.11 are deleted from the International Building Code and are referenced in the International Fire Code.

Section 1813 is hereby added to read as follows:

Section 1813 Foundation repairs

(a) General.

(1) Foundation repair work on all residential structures, shall be accomplished only by a contractor licensed and bonded by the City to operate as a building contractor, or foundation repair contractor, within the corporate limits of the City.

(2) A permit for each foundation repair project must be obtained from the Inspection Department prior to beginning any actual repair work. The fee shall be as that established in Section 2 of this ordinance.

(3) A permit will be issued to the foundation repair contractor, upon approval by the Chief Building Official of documents submitted by the contractor containing the following information, and payment of the scheduled fee:

a. A drawing of the complete building foundation plan, indicating the location foundation failure and the proposed corrective work.

b. A detailed description of the proposed corrective work.

c. A copy of the proposal to the property owner with the owners signature indicating acceptance.

d. A copy of the submittal documents, bearing the approval of the Chief Building Official, shall be maintained at the job site for review by the Chief Building Official.

e. Prior to the placement of any concrete, the contractor shall arrange for a job site inspection by the Chief Building Official.

(b) Minimum *standards—Reinforced concrete foundation.*

(1) Holes in earth for foundation piers and footings must be free of standing water, loose dirt, or other deleterious matter, prior to placement of concrete.

(2) Each drilled shaft/footing must have as a minimum an eighteen-inch diameter shaft, or a 12-inch diameter shaft with an eighteen-inch diameter footing. In lieu of these minimum size footings, an engineered design for this particular project may be substituted. Engineered design repair work shall be documented by drawings and specifications bearing the seal and signature of a current Texas-registered professional engineer.

(3) Minimum sized shafts/footings shall have a maximum spacing of eight (8) feet for single story and six (6) feet for two story structures. A minimum of two (2) footing diameters clearance shall be maintained between footings.

(4) Shafts/footings shall be founded at a minimum depth of eight (8) inches and bearing on a firm soil of constant moisture content.

(5) Each footing/shaft will have a maximum angle of fifteen (15) degrees from vertical.

(6) Each shaft will contain a minimum of three (3) #5-A36 reinforcing bars for the full depth of the shaft.

(7) Each shaft /footing must have a minimum of five (5) days concrete (min. 2,500 psi at 28 days) curing time before imposing jacking loads.

(8) A solid concrete block or poured in place concrete (min. 2,500 psi at 28 days) must be used to transfer the building load to the footing after jacking.

(9) Minimum size (3"x 6" x 1/4") steel shims set in two (2) rows a maximum of three (3) inches high, may be used to transfer the load to the solid concrete blocks.

(10) Backfill of the excavation may consist of excavated material or low p.i. (10-20) clay compacted to existing adjacent conditions. Sand backfill will not be permitted except for the top six (6) inches which may be used to level the grade.

(c) Minimum standards—Houses on piers.

(1) Minimum size concrete footing pads shall be 16"x16"x 4" solid concrete with solid concrete block piers.

(2) Maximum height of shims shall be one and one-half (1 1/2) inches, and shim width must equal the width of sill. Exception: Shims on existing masonry piers may have a maximum height of three (3) inches.

(3) All new wood sills must be treated wood. Half-lap spliced and properly nailed with two (2) treated wood splice plates. All joints must be supported by a pier with pad footing.

Section 3408.1 is amended to read as follows:

Section 3408.1 Conformance

A. Any structure moved into or within the City shall comply with Section 8 of the Nederland Zoning Ordinance.

B. A moving permit must be obtained from the Inspections Department before moving a structure into the City. The structure must meet the following criteria before being moved:

1. The current appraised value of a residential structure, as set by the Jefferson County Appraisal District, must be equal to or greater than of the average appraised value of all residential structures on lots or tracts within

five hundred feet of the property line of the lot or tract upon which the structure to be moved will be placed.

2. The application of a moving permit must be accompanied by an application for all necessary permits required to bring the structure into compliance with all applicable codes. Included with the building permit application shall be a completed set of plans showing the changes, if any, of the structure after all contemplated improvements.

C. The Chief Building Official, as a condition precedent to the issuance of a residential moving permit, shall require a bond or cashier's check in the amount of five thousand dollars (\$5,000.00). Such bond or cashier's check shall be made payable to the City of Nederland and shall be conditioned upon strict compliance with the terms of this ordinance.

1. The structure will be brought into compliance with all applicable codes and connected to water, sewer, electricity and gas if applicable within ninety calendar days after relocation to the new site. Failure to connect the structure to utilities may result in forfeiture of the required security and demolition of the structure. If the security is forfeited for any reason, the city is hereby authorized to demolish the structure and clear the lot. By signing an application for a residential moving permit, the owner or agent for the owner agrees that the structure may be demolished by the city if it becomes necessary to forfeit the security required by this ordinance.

2. Failure or refusal to timely perform any one or more of the requirements of this ordinance may result in the forfeiture of the required security.

D. Appeals from the denial of a residential moving permit or a decision to forfeit the required security by the Chief Building Official shall be made in writing to the Zoning Board of Appeals within ten calendar days after the denial of such permit. The Zoning Board of Appeals may reverse the decision of the Chief Building Official if the Board of Appeals finds by the concurrence of four (4) members of the board that the structure meets the requirements set out herein for issuance of a residential building permit.

E. Extensions of 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. One thirty-day extension may be granted by the Building Official.

Section H 105.1 of Appendix H is amended to read as follows:

Section H 105.1

General requirements. Signs shall be designed and constructed to comply with the provisions of this code for use of materials, loads, and stresses. All signs over 14 feet in height shall be designed by a Texas licensed professional engineer for wind loads. A set of plans bearing the engineer's seal and signature showing the wind loads in miles per hour and showing foundation details must be submitted to the Building Official for approval and permitting.

Section 3. That if any sections, subsections, sentence or clause or phrase of this Ordinance, or the application of same to a particular set of circumstances or persons should for any reason be held to be invalid, such invalidity shall not effect the remaining portions of this Ordinance, or their application to other persons or sets of circumstances and to this end all provisions of this Ordinance are declared to be severable.

Section 4. That Ordinance Number 2000-02 of the City of Nederland, entitled Nederland Building Ordinance, which has been codified in the Code of Ordinances, Sec. 18-26 and Sec. 18-27, and all other ordinances or parts or ordinances in conflict herewith are hereby repealed when this Ordinance becomes effective; provided, nothing in this repeal provision shall nullify any provision in Ordinance 2001-07 and if this Ordinance and Ordinance 2001-07 are in direct conflict, the provisions of Ordinance 2001-07 shall prevail.

Section 5. That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the Nederland City Clerk shall certify to the adoption of this ordinance, and cause the same to be published as required by law; and this

ordinance shall take effect and be in force from and after its approval as required by law.

WHEN EFFECTIVE: This Ordinance shall be effective from and after its passage and publication of the caption of this Ordinance.

PASSED AND APPROVED this _____ day of _____ 2004

Homer Nagel, Mayor

ATTEST:

LaDonna Floyd, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Richard D. Hughes, City Attorney