

ORDINANCE 2011-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AMENDING THE LOCKHART CODE OF ORDINANCES, CHAPTER 12, "BUILDING & BUILDING REGULATIONS," IN ORDER TO PROVIDE FOR AN ELECTRICAL BOARD OF APPEALS, PROVIDE PROCEDURES FOR SUSPENSION OR REVOCATION OF ELECTRICAL LICENSES, UPDATE TRENCH SAFETY REQUIREMENTS, REFLECT THE ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION AND THE 2006 INTERNATIONAL BUILDING CODE, AND UPDATE AND CLARIFY VARIOUS SECTIONS OF THE CHAPTER AS RECOMMENDED BY THE CITY ORDINANCE REVIEW AD-HOC COMMISSION, THE CITY CONSTRUCTION BOARD OF APPEALS, AND THE CITY ELECTRIC BOARD OF APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Lockhart Ordinance Review ad-hoc Commission assists the City Council by reviewing and recommending changes for certain City ordinances as determined by the City Council; and

WHEREAS, the Commission reviewed Chapter 12 of the City's Code of Ordinances, captioned "Building & Building Regulations", in its entirety and recommended that the Chapter be amended in particular sections to read as listed below, for the purposes of updating and clarifying the Chapter; and

WHEREAS, the Construction Board of Appeals and the Electric Board of Appeals reviewed the recommendations of the Ordinance Review ad-hoc Commission prior to the presentation of this ordinance to the City Council; and

WHEREAS, the Lockhart City Council agrees with the recommended amendments and hereby amends Chapter 12, Building & Building Regulations, of the Lockhart Code of Ordinances as recommended by the Commission, the Construction Board of Appeals, and the Electric Board of Appeals.

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

I. Amended Sections. Sections 12-27, 12-29 through 12-33, 12-62 and 12-63, 12-91, 12-112 through 12-114, 12-131 through 12-134, 12-161 through 12-164, 12-167, 12-196 and 12-197, 12-200, 12-202 and 12-203, 12-233, 12-257, 12-277, 12-410 through 12-412, 12-442, 12-448 through 12-450, 12-454, 12-482, 12-488, and 12-492 of Chapter 12 of the Code of Ordinances, City of Lockhart, Texas, are hereby amended to read as follows:

Sec. 12-27. Amendments.

Section 105.2 Work exempt from permit, Building, is amended to read as follows:

6. Non-fixed movable fixtures, cases, racks, counters and partitions, which meet the life safety code.
7. Roofs of like material.

Section 106.1 Submittal Documents, is removed in its entirety.

Section B101.2, Membership of Board, is amended to read as follows:

Each District Council member and the Mayor shall each appoint one member to the Construction Board of Appeals making it a five (5) member board and each Councilmember at Large shall appoint an alternate. The term of office of the board members shall be three (3) years, such terms coinciding with the council position making the appointment. The two (2) alternates shall also serve the term coinciding with the council position making the appointments. Vacancies shall be filled for an unexpired term in the manner in which the original appointments are required to be made. Board members shall consist of individuals who are qualified by experience and/or training to pass on matters pertaining to building construction and are not employees of the City of Lockhart.

Section B101.4, Board Decision, is amended to read as follows:

The Construction Board of Appeals shall have the power, as further defined in Appendix B, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes; and to conduct hearings on determinations of the building official regarding unsafe or dangerous buildings, structures and/or service systems, and to issue orders in accordance with the procedures beginning with section 12-442 of this Code of Ordinances.

(All other parts of this section are unchanged.)

Sec. 12-29. Fire limits.

The limits of responsibility of the city shall be those established by the Texas Department of Insurance as reflected in their most current and official map as on file with the City Secretary.

Sec. 12-30. Utilities not to be connected until permit/certificate of occupancy obtained.

(d) No contractor, or owner, shall allow any structure to be occupied without first obtaining a final inspection and a certificate of occupancy. In the event of noncompliance, city utility service may be denied or terminated.

(All other parts of this section are unchanged.)

Sec. 12-31. Contractors; license required.

(c) Requirements for license; application procedure; fees, nature of license:

(5) Upon approval of contractor license application, fees shall be payable in an amount established by the City Council and set out by ordinance or resolution as the same may hereafter be amended. Any expired license which is not renewed within 30 days of expiration shall be void, and shall require the same fee as application for new licenses.

(All other parts of this section are unchanged.)

Sec. 12-32. Trench safety.

- (a) All trenches having a depth of more than five feet (5') shall be provided with a suitable form of safety system to prevent trench collapse.
- (b) The safety system described herein shall be designed by the subdivider's or by the contractor's engineer to meet the Occupational Safety and Health Administration standards.
- (c) The contractor shall ensure that the safety system is properly utilized at all times that there is a requirement for the safety system.
- (d) The engineer designing the safety system shall inspect such system to ensure its proper installation and utilization.

(This section was amended in its entirety.)

Sec. 12-33. Demolition of structures.

A permit must be obtained from the building official or designee for the demolition or partial demolition of any building or structure which exceeds 300 square feet of floor space. Such permit for demolition shall be valid for 60 days from date of issuance. With approval of the building official or designee, one extension of 30 days may be granted to complete said demolition without payment of additional fees. A class C contractor's license or better with designated bonding and/or liability insurance shall be required for the demolition of multiple floor level structures.

(All other parts of this section are unchanged.)

Sec. 12-62. Scope.

The provisions of this article shall be effective and shall be applied to the entire area within the corporate limits of the city, as well as the area outside of the corporate limits that is served by the municipal electric department, and if and when any additions, subdivisions or any area is added or incorporated into the city limits of the city, the buildings therein may be inspected, under the conditions of this article.

Sec. 12-63. Unsafe installations.

(a) If any part of any electrical equipment in or about any building in the city is found to have been installed and connected in violation of the provisions of this article, or in the opinion of the building official is dangerous to life or property, he shall have the right and power, and it shall be his duty to notify the owner or tenant of the building to cease using electrical current in such equipment, and to have the defects in said equipment repaired within a reasonable time, not exceeding ten days from date of notice. If the defects in wiring or equipment shall not have been repaired at the expiration of said notice, the building official shall disconnect or cause to be disconnected such defective wiring or equipment from the source of supply.

(b) Where, in the opinion of the chief of the fire department or fire marshal, a fire originated due to faulty electrical wiring, overloading of electrical equipment, or overloading lines or equipment, or any unauthorized electrical installations, it shall be the duty of the fire chief and/or fire marshal to have the

premises involved fully inspected by the building official; and where said electrical service and/or lines have been cut in the firefighting process, no electrical service shall be reinstated and/or reconnected until the said premises has been properly repaired to comply with the provisions of this article.

Sec. 12-91. Inspections.

There shall be electrical inspections, as outlined in the Electrical Code. Inspections shall be conducted within two working days following such request.

Sec. 12-112. Building official generally.

(a) The electrical inspection department shall be in the charge of the building official appointed by the city manager.

(b) The building official with the approval of the city manager may appoint such number of officers, inspectors, assistants, and other employees as shall be authorized from time to time.

(c) The building official shall not engage in the business of master electrician, either directly or indirectly, within the city.

(d) The building official shall have entire supervision over the electrical inspection of all electrical work within the city.

Sec. 12-113. Inspections and disconnection of equipment.

(a) The building official or his assistant shall... *(The remainder of this subsection is unchanged.)*

(b) Subject to constitutional limitations, the building official or his duly authorized assistants... *(the remainder of this subsection is unchanged until the end of the subsection, which reads as follows)* ...as directed by the building official.

Sec. 12-114. Interferences.

It shall be unlawful for any person to interfere with the building official or their assistants in the discharge of their duties or to prevent or in any manner attempt to prevent them from carrying out the provisions of this subdivision.

****[The caption for Division 3, Subdivision III is amended to read as follows.]***

Subdivision III. Electrical Board of Appeals.

Sec. 12-131. Created.

There is hereby created the electrical board of appeals.

Sec. 12-132. Members.

(a) Appointments to the electrical board of appeals shall conform to Section 2-210 except that the board shall consist of five persons with one being appointed by each district council member and one by the mayor. Each member shall serve three-year terms with such terms to coincide with the council position making the appointment.

(b) Each board member shall reside within the county and such board shall include one member who shall be a building contractor; two members shall be master electricians who are currently licensed by the city; and one member shall be either a building contractor or master electrician licensed by the city, and one city resident. There shall be two ex-officio members, one who shall be the city building inspector, and one shall be the fire marshal.

Sec. 12-133. Officers and quorum.

The members of the electrical board of appeals shall select a chairman and secretary. A quorum shall consist of three members.

Sec. 12-134. Functions.

The electrical board of appeals shall prescribe a procedure and order of business for hearing applications for certificates of registrations and for hearing appeals from the decisions of the electrical inspector.

(The rest of this section is unchanged.)

Sec. 12-161. Required.

(a) No wiring, devices or equipment for the transmission, distribution or utilization of electrical energy for light, power and/or heat shall be installed within or on any building or structure, nor shall any alteration or addition be made in such existing wiring, device or equipment without first securing a permit.

(The rest of this section is unchanged.)

Sec. 12-162. Application.

An application for an electrical permit, describing the work to be done, stating the location of the work, whether the work will consist of a new installation or addition to or alteration of an old installation, the name of the owner or occupant, shall be made in writing to the Development Services Assistant by the person installing the work, and permit, when issued, shall be to such applicant.

Sec. 12-163. Persons eligible.

(a) An electrical permit shall not be issued to any person who does not hold a license issued by the city or state authorizing him to perform the work.

(b) The provisions of subsection (a) shall not apply if a person is not required to be licensed by the city or state to do such work.

Sec. 12-164. Issuance and copies.

Electrical permits issued shall include original and three copies. The original copy shall go to the applicant for permit.

Sec. 12-167. Deviations.

An electrical permit shall be for such installation as is described in the application, and no deviation shall be made from the installation so described without the written approval of the building official.

Sec. 12-196. Adopted.

(a) There is hereby adopted by reference that publication known as The National Electric Code, 2005 Edition with local amendments, published by the National Fire Protection Association, Inc. or the International Residential Code, 2006 Edition.

(The rest of this section is unchanged.)

Sec. 12-197. Wires, conductors and other equipment.

(a) All branch circuit conductors installed for light, heat and power shall be of such size that the voltage drop at the furthest outlet shall not exceed two percent of the voltage supplied at the branch circuit interrupter, at full load. No branch circuit shall be installed with wire smaller than no. 12, AWG gauge, and no no. 12 AWG gauge branch circuit shall be protected by fuses of no greater capacity than 20 amperes, except by special written permission of the building official. The switch leg shall be no smaller than no. 14 AWG wire.

(b) In no instance shall the main service entrance be smaller than three no. 6 AWG gauge wire.

(The rest of this section is unchanged.)

Sec. 12-200. Grounding of service entrances.

Each service entrance shall be grounded at the meter or service switch. The ground rod shall be driven to a minimum of eight feet or to a firm connection to an underground water pipe so as to cause a 30 ampere fuse to blow between either of the outside wires and the ground. The ground may be no. 6 bare copper conductor bonded to 20' or more of 5/8" or larger electrically conductive steel reinforcing rod or bars in lieu of a 5/8" ground rod. The ground wire must be covered with some type of metallic covering.

Sec. 12-202. Service wires in conduit.

(b) All wiring installed in the fire zone shall be in rigid metallic conduit, metal tubes or metal raceway approved by the National Electrical Code.

(All other subsections are unchanged.)

Sec. 12-203. Meter sockets.

(a) Each meter socket and riser from meter to weather head shall be installed on the outside of the building, residence or other structure and shall be mounted not more than six feet nor less than five feet above the level of the outstanding space.

(The rest of this section is unchanged.)

Sec. 12-233. Revocation or suspension of licenses.

(a) The building official may suspend the license of any electrician who violates any portion of this division, by giving verbal notice to the electrician and then, within three (3) days thereafter, writing a report setting forth the reasons for such suspension and filing a copy of such report with the city secretary, the report to be made available to the electrician upon his request. If the electrician shall feel aggrieved by such suspension, he may notify the electrical board of appeals in writing by delivering such notice to the city secretary, and at the next meeting of the electrical board of appeals he may appear and be heard. Such notice must be filed by the electrician within ten (10) days of receiving verbal notice of the suspension.

(The rest of this section is unchanged.)

Sec. 12-257. Expiration and renewal.

A master electrician's license shall expire on December 31 next following its issuance and may be renewed on January 1 of each year upon payment of the required fee to the office of the city building official... *(the rest of this section is unchanged.)*

Sec. 12-277. Required.

No person shall work as a journeyman electrician without a license issued by the city. Any person showing proof of having a journeyman electrician's license issued under the Texas Electrical Safety and Licensing Act will not be required to have a City of Lockhart Journeyman Electrician License.

Sec. 12-410. Definitions.

Cross-connection control device shall mean any device placed to prevent a cross-connection.

(All other parts of this section are unchanged.)

Sec. 12-411. Annual inspections and maintenance--commercial establishments.

(a) *Annual inspections.*

(The text of this subsection remains unchanged except in the second to the last line, which replaces "state natural [resources] conservation commission" with "Texas Commission on Environmental Quality," as follows.) ...who are qualified through the Texas Commission on Environmental Quality and which are reported correctly on the city report forms shall be in compliance with this article.

(b) *Maintenance.*

(The text of this subsection remains unchanged except in the fourth line, which replaces “TNRCC” with “Texas Commission on Environmental Quality,” as follows.) Annual inspections in accordance with Texas Commission on Environmental Quality requirements...

(The rest of this section is unchanged.)

Sec. 12-412. Water wells, other water supplies, outside sprinkler systems--domestic dwellings and commercial establishments.

(c) *Outside sprinkler systems.* *(The text of this subsection remains unchanged except in the first and seventh lines, which replace “TNRCC” with “Texas Commission on Environmental Quality,” as follows.)* Outside sprinkler systems shall have Texas Commission on Environmental Quality approved... [and] ...in accordance with Texas Commission of Environmental Quality requirements...

(All other parts of this section are unchanged.)

Sec. 12-442. Definitions.

Board means the construction board of appeals established in section 105 of the 2006 International Building Code, adopted by reference in section 12-26 of this Code.

(The rest of this section is unchanged.)

Sec. 12-448. Public hearing.

(a) The building official shall schedule a public hearing and an agenda item before the construction board of appeals for the purpose of determining whether a structure is an unsafe building and public nuisance within the terms of this article.

(The rest of this section is unchanged.)

Sec. 12-449. Hearing procedures.

(e) The owner shall have the right to appeal the decision of the construction board of appeals to the City Council. A notice of appeal must be filed with the city secretary within ten days from the date of the board decision.

(f) If the structure is found to be an unsafe building and/or public nuisance, the construction board of appeals shall issue an order that the structure be vacated, secured, repaired, removed, demolished, or the occupants relocated as provided in Chapter 12, Article 7 of the Lockhart Code of Ordinances.

(All other parts of this section are unchanged.)

Sec. 12-450. Implementation.

(a) Within ten days after the date that the order is issued, the building official shall issue an unsafe building order containing the order of the construction board of appeals and directed to the owner and occupants of the building. The order shall be served as provided in section 12-448(b).

(All other parts of this section are unchanged.)

Sec. 12-454. Prohibited acts.

(a) It shall be unlawful for the owner or occupants of an unsafe building to fail or refuse to comply with the order of the building official or the construction board of appeals.

(b) It shall be unlawful for any person to obstruct or interfere with the implementation of any action required by the order of the building official or the construction board of appeals.

(The rest of this section is unchanged.)

Sec. 12-482. Permit required.

(a) It shall be unlawful for any person to install or cause to be installed or to allow any person to install a fence over 2 1/2 feet in height or to make any alterations, additions, or changes to a fence, without first having procured a permit to do so from the building official. A permit is not required for repairs to an existing fence provided that the dimensions of the fence are not increased, that the replacement materials are of the same type, and that no new post holes are needed except where replacement posts may be erected in new holes in line with the existing fence without a permit. In all cases, however, the person installing the fence shall verify the location of existing underground utility lines through a one-call service or by contacting the utility providers individually prior to digging new post holes.

(The rest of this section is unchanged.)

Sec. 12-488. Electric fences.

(a) An electric fence for control of domestic animals within a residential or commercial area is permitted only when within another enclosure and inside such enclosure. Such fence shall be of the pulse delivery type with a maximum amperage of 25 mil. The exterior fence shall have a sign on each side of the outside face or frontage of not less than a 10 foot interval warning of the electric fence.

(b) Electrically charged above ground fences are allowed on property used for agricultural purposes in the agricultural zoning district provided, however, that where the electric fence is to be adjacent to any property in a residential zoning district which is developed with one or more dwellings, such fence shall not be constructed except after notification to the owner of the residential property and only upon review and approval by the planning and zoning commission. The owner of the adjacent property shall have an opportunity to present their comments and opinions to the commission.

Sec. 12-492. Temporary construction site fencing.

Temporary construction site fencing not exceeding eight feet in height shall be allowed without a permit to enclose the complete project or a partial area. No such fence erected under this section shall be erected in such position or placed so as to constitute a traffic hazard. Temporary construction fences must be removed prior to occupancy of any portion of the facility.

II. New Sections. The Code of Ordinances, City of Lockhart, Texas is hereby amended by adding a new section to be numbered Section 12-25, and by adding a new section to be numbered section 109.1 of Section 12-377, which said sections read as follows:

Sec. 12-25. 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:

City or municipality means the City of Lockhart, Texas.

Corporate counsel means the attorney for the City of Lockhart.

Sec. 12-377. Amendments.

Section 109.1 is hereby amended to read as follows:

The construction board of appeals established pursuant to the edition of the International Building Code in force in the city, shall serve as the construction board of appeals for the purposes of this code.

(All other parts of this section are unchanged.)

III. Repealed Sections. Sec. 12-28, subsection 12-31(19), and section 111.1 of Sec. 12-377 of the Code of Ordinances, City of Lockhart, Texas are repealed in their entirety.

IV. Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision or regulation.

V. Repealer: That all other ordinances, sections, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

VI. Penalty: It is unlawful to violate any provision of this ordinance. Any person who is found guilty of such violation shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Section 1-8 of the City Code. The City also retains the right to pursue any and all civil remedies available under federal, state or local law to enforce this ordinance.

VII. Publication: That the City Secretary is directed to cause the caption of this ordinance to be published in a newspaper of general circulation according to law.

VIII. Effective Date. That this ordinance shall become effective and be in full force within 10 days of its passage.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ON THIS THE 7th DAY OF JUNE, 2011.

CITY OF LOCKHART

Ray Sanders
Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Rodriguez, TRMC
City Secretary

Peter Gruning
City Attorney