**ORDINANCE NO. 2021-19**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 18, ARTICLES I AND II OF THE CODE OF ORDINANCES, CITY OF PORT NECHES, TEXAS, WHICH PERTAINS TO THE BUILDING CODE IN THE CITY OF PORT NECHES; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Chapter 18, Articles I and II of the Code of Ordinances of the City of Port Neches relates to and regulates building codes located within the limits of the City of Port Neches; and,

**WHEREAS**, the City Council of the City of Port Neches, after conducting a public hearing, finds that it is in the best interest of the citizens of the City of Port Neches to repeal the current Chapter 18, Articles I and II of the City Code of Ordinances of the City of Port Neches, Texas, in its entirety, and all other Ordinances or parts of Ordinances in conflict herewith, and replace it with provisions which would better serve the City and its citizens.

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

**SECTION I.**

That Chapter 18, Article I and II of the Code of Ordinances of the City of Port Neches is hereby repealed and as the same may be hereafter modified by the City Council of the City of Port Neches, Texas.

Article I. – IN GENERAL

**Secs. 18-.1 – 18-30 – Reserved.**

Article II. – BUILDING CODE

**Sec. 18-31. – International Building Code Adopted**

The International Building Code, 2018 edition, including Appendix Chapter I and SSTD 10-99 Hurricane Resistant Construction Standard, as published by the International Code Council be and is hereby adopted as the Building Code of the City for regulating and 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; and the condemnation of buildings and structures are herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Building Official

are hereby referred to , adopted and made a part hereof as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 18-32.

**Sec. 18-32. – Revisions, amendments and additions to the 2018 International Building Code.**

The following sections are hereby revised:

*Section 101.1.* Insert: City of Port Neches.

*Section 105.2.* Delete work exempt from permit

*Section 903.3.1.3.* Delete NFPA 13D Sprinkler Systems

*Section 1612.3.* Insert: City of Port Neches November 11, 2021, to take effect on January 1, 2022

*Section 108.2.* Schedule of permit fees of the 2018 International Building Code is hereby amended to read in full as follows:

*Schedule of Permit Fees:*

On all buildings, structures or alterations requiring a building permit, as set forth in Section 105.1, the fee shall be paid as required at the time of filing the application in accordance with the following schedule:

RESIDENTIAL CONSTRUCTION

| | |
|---|---|
| New Construction - Building Permit Fee: | $40.00 issuance/inspection fee plus $0.35/square foot for total area under roof |
| New Construction – Plan Review Fee: | $0.18/square foot for total area under roof |
| Remodel/Renovations Permit Fee: | $40.00 issuance/inspection fee plus $0.18/square foot |
| Driveways/Patios/Sidewalks: | $50.00 |
| Roofs: | $100.00 |
| Fences: | $40.00 |
| Inground Pools: | $250.00 |
| Carports, Patios, Portable Buildings or any Non-Permanent structure: | $40.00 |
| Moving Fee: | $125.00 |
| Demolition Fee: | $50.00 |

The Building Official reserves the right to determine whether an inspection should be required for work not fully described above and in doing so, the permit fee shall include the permit issuance and inspection fee of $40.00 plus $25.00 for each additional inspection as required.

NONRESIDENTIAL PERMIT FEES

VALUATION WILL BE BASED ON $95.00 PER SQUARE FOOT OF ENCLOSED AREA/AREAS.

| TOTAL VALUATION | FEE |
|---|---|
| Up to $999.99 | $25.00 for any amount up to $999.99 |
| $1,000.00 to $49,999.99 | $25.00 for the first $1,000.00, plus $7.00 for each additional thousand or fraction thereof, up to and including $49,999.99 |
| $50,000.00 to $99,999.99 | $300.00 for the first $50,000.00, plus $6.00 for each additional thousand or fraction thereof, up to and Including $99,999.99 |
| $100,000.00 to $499,999.99 | $500.00 for the first $100,000, plus $5.00 for each additional thousand or fraction thereof, up to and including $499,999.99 |
| $500,000.00 and up | $2,000.00 for the first $500,000, plus $4.00 for each additional thousand or fraction thereof |

Nonresidential plan check fee: plan check fee shall be equal to one-half (1/2) of the building permit fee. Such plan check fee is in addition to the building permit fee and is due when plans are received, before review.

The Building Official reserves the right to determine whether an inspection should be required for work not fully described above and in doing so, the permit fee shall include the issuance and inspection fee of $40.00 plus $25.00 for each additional inspection as required.

NONRESIDENTIAL PERMIT FEES

| | |
|---|---|
| Driveways/Patios/Sidewalks: | $50.00 |
| Roofs: | $100.00 |
| Fences: | $40.00 |
| Inground Pools: | $250.00 |
| Carports, Patios, Portable Buildings or any Non-Permanent structure: | $40.00 |
| Moving Fee: | $150.00 |

| | |
|---|---|
| Demolition Fee: | $50.00 |
| Certificate of Occupancy Fee: | $100.00 |

*Moving of Structures:*

(A) Existing constructed single-family dwellings, duplex dwellings, multiple-family dwellings or commercial buildings are prohibited from being moved into and/or within the City limits of the City of Port Neches.

Exceptions:

1. HUD-Code approved manufactured homes placed only in designated manufactured home parks/subdivisions.

2. Single-family dwellings, duplex dwellings and commercial industrialized housing and buildings complying with the Regulations of Texas Industrialized Housing and Building Act.

(B) Regulations of Texas Industrialized Housing and Building Act.

1. Single-family, duplex or commercial industrialized housing and building must have all local permits and licenses that are applicable to other site built single-family, duplex or commercial buildings.

a. Purchasers of industrialized homes and buildings shall provide a complete set of design plans bearing the Texas Department of Licensing and Regulations stamp for each installation. The design plans shall state and meet the International body of codes and all amendments thereto as adopted by the City of Port Neches.

b. All industrialized components shall bear an approved decal reflecting that they have been inspected at the manufacturing plant and conform to the Texas Industrialized Housing and Building Act.

c. All City inspections are required to assure the installation/construction is in compliance with the approved design plans.

2. Single-family, duplex and commercial industrialized buildings shall:

a. have a value equal to or greater than the median taxable value for each dwelling establishment or commercial establishment located within 500 feet of the lot on which the installation is proposed to be located as determined by the most recent certified tax appraisal roll for the City of Port Neches; (for the purpose of this subsection, "value" means the taxable value of the improvements and the lot);

b. have exterior construction, roofing, roofing pitch, foundation fascia and fenestration compatible with other establishments within 500 feet of the lot on which the industrialized installation is proposed to be located;

c. comply with municipal land use and zoning laws, building setbacks, square footage, parking requirements and other site requirements; and

d. be securely fixed to a permanent foundation.

e. A $40.00 building permit fee will be charged to install a HUD approved manufactured home placed in designated mobile home parks/subdivisions.

***Section 105.4.1.*** Conditions of the permit of the 2018 International Building Code is hereby added to read in full as follows:

*Conditions of the Permit:*

Except for fences, building permits will not be issued for construction where the City does not maintain a dedicated street; where there are uncorrected drainage problems; and where water, fire hydrants and sewer are not available; or for any building (permanent or temporary), any concrete slab, driveway, pool or pool decking and equipment and any other structure which encroaches on an easement for water mains, sanitary sewers or storm drains or other utilities or pipelines unless a license to encroach has been approved by the Director of Public Works or the City Council. Also, permits will not be issued for construction on public property unless the City Council has approved and granted either a lease or a franchise for use of the property.

***Section 107.1.1.*** This section is hereby added to the 2018 International Building Code to read as follows:

*Contractor's License and Permit Bond:*

Before a building permit is issued by the City of Port Neches, every pertinent building contractor shall furnish proof to the City that such contractor is in compliance with State licensing laws. It shall be the duty of every contractor or builder who shall make contracts for which a permit is required, and every contractor or builder making such contracts and subletting the contracts, or any part thereof, shall file a permit bond in the amount of fifteen thousand dollars ($15,000) with the City's Building Department, holding the City harmless from any damage by reason of such contractor or builder engaging in such business and providing that such contractor or builder shall faithfully perform all the duties of such business according to the requirements of the Ordinances of the City. The bond shall provide third party provisions giving the third party the right of protection under the bond for recovery up to the benefit of the bond.

Said bond shall be revocable by the Building Official with the business named on said bond having the right to appeal the Building Official's decision.

Said bond shall not be revocable by the sureties without ten (10) days' prior notice to all parties concerned. The form of the bond shall be on the City of Port Neches' bond form.

***Section 101.1.1.*** This section is hereby added to the 2018 International Building Code to read as follows:

*Definition of Certain Terms:*

(A) Whenever the word "municipality" is used in the code adopted by Section 18-31, it shall be held to mean the City of Port Neches, Texas.

(B) Whenever the term "corporation counsel" is used in such code, it shall be held to mean the City Attorney for the City of Port Neches, Texas.

(C) Whenever the term "chief appointing authority" is used in such code, it shall be held to mean an appointment by the City Manager of the City of Port Neches, Texas.

***Section 110.1.1.*** This section is hereby added to the 2018 International Building Code to read as follows:

*Location of Structures:*

The Building Official will not have the responsibility of the location of a structure.

***Section 1801.0.0***. This section is hereby added to the 2018 International Building Code to read as follows:

*Foundation Repair:*

*General:*

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

(B) A permit for each foundation repair project must be obtained from the Building Official prior to beginning any actual repair work. The fee shall be that established by the City in accordance with current fee schedules.

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

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

2. A detailed description of the proposed corrective work.

3. A copy of the proposal to the property owner with the owner's signature indicating acceptance.

4. Prior to placement of any concrete, the contractor shall arrange for a jobsite inspection by the Building Official.

*Minimum Standards—Reinforced Concrete Foundation:*

(A) 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.

(B) Each drilled shaft/(footing) must have a minimum of an 18-inch diameter shaft or a 12-foot diameter shaft with an 18-in diameter foot. 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.

(C) Minimum sized shafts/(footings) shall have a minimum spacing of eight feet zero inches for single-story structures and six feet zero inches for two-story structures. A minimum of two footing diameters clearance shall be maintained between footings.

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

(E) Each shaft/(footing) shall have a maximum angle of 15 degrees from vertical.

(F) Each shaft/(footing) shall contain a minimum of three #5-A36 reinforcing bars for the full depth of the shaft.

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

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

(I) Minimum size (three-inch by six-inch by one-quarter-inch) steel shims set in two rows, a maximum of three inches high may be used to transfer the load to the solid concrete blocks.

(J) 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 inches, which may be used to level the grade.

*Minimum Standards—House on Piers:*

(A) Minimum size concrete footing pads shall be 16-inch by 16-inch by four-inch solid concrete with solid concrete block piers.

(B) Maximum height of shims shall be 1-½ inches and shim width must equal the width of sill. Exception: shims on existing masonry piers may have a maximum height of three inches.

(C) All new wood sills must be treated wood, half-lap spliced and properly nailed with two treated wood splice plates. All joints must be supported by pier with pad footing.

**SECTION II.**

All ordinances or parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance.

**SECTION III. SEVERABILITY CLAUSE:**

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance and, to such end, the various portions and provisions of this Ordinance are declared to be severable.

**SECTION IV. NOTHING AFFECTING LEGAL RIGHTS OR REMEDIES:**

Nothing in this Ordinance of Building Codes hereby adopted shall be construed to affect

any suit or proceeding pending 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 Chapter 18, Article II of this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**SECTION V. EFFECTIVE DATE AND PUBLICATION**:

The City Secretary is hereby ordered and directed to cause this Ordinance to be published and this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on January 1, 2022 and after its approval, adoption and publication pursuant to law.

**PASSED AND APPROVED** by the City Council of the City of Port Neches, Texas, at a regular meeting this, the 11th day of November, A.D., 2021.

Glenn Johnson, Mayor
City of Port Neches, Texas

**ATTEST**:

Holly Alexander, City Secretary
City of Port Neches, Texas

CITY OF PORT NECHES, TEXAS

**APPROVED AS TO FORM**:

Pete Steele, City Attorney
City of Port Neches