

**ORDINANCE NO. 15-18**

**AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS AMENDING ORDINANCE OF 5/16/22, ORDINANCE OF 9/25/34, ORDINANCE NO. 119, AND ORDINANCE NO. 384, AND REPEALING AND REPLACING ORDINANCE NO. 87-4, ORDINANCE NO. 96-10, ORDINANCE NO. 96-19, ORDINANCE NO. 96-20, ORDINANCE NO. 96-25, ORDINANCE NO. 01-10, ORDINANCE NO. 01-12, ORDINANCE NO. 01-14, AND ORDINANCE NO. 06-11; AMENDING CHAPTER 5, BUILDINGS AND STRUCTURES TO ESTABLISH A UNIFORM PERMIT PROCESS AND REFERRING TO A SEPARATE FEE SCHEDULE FOR PERMIT FEES THEREUNDER; PROVIDING A SEVERABILITY CLAUSE AND AN OPEN MEETINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, it is essential that the City regulate the technical aspects of constructing and maintaining buildings and structures within the City to ensure the safety of its citizens;

WHEREAS, in the past, the City has adopted various ordinances regulating the building permit application process and fees associated therewith;

WHEREAS, the City Commission finds that it would be more efficient to have a separate fee schedule containing all building permit fees and that this Ordinance helps streamline that process; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:

- I. **Repeal**. The following ordinances are, hereby repealed.
- Ordinance No. 87-4, adopted on March 17, 1987
  - Ordinance No. 96-10, adopted on October 7, 1996
  - Ordinance No. 96-19, adopted on November 4, 1996
  - Ordinance No. 96-20, adopted on November 4, 1996
  - Ordinance No. 96-25, adopted on December 2, 1996
  - Ordinance No. 01-10, adopted on September 17, 2001
  - Ordinance No. 01-12, adopted on September 17, 2001
  - Ordinance No. 01-14, adopted on September 17, 2001
  - Ordinance No. 06-11, adopted on July 10, 2006

All other ordinances of the City of Breckenridge, Texas, or portions thereof, in conflict with this Ordinance are hereby amended to the extent of such conflict.

- II. **Amendment**. Chapter 5 of the Code of Ordinances of the City of Breckenridge is hereby amended as follows:

## **ARTICLE II. ELECTRICAL**

### **Sec. 5-37. Same – Fees.**

Anyone wishing to obtain a permit to install or alter electrical wiring or apparatus shall make application on a form furnished by the City. At the time of making such application, the appropriate fee shall be paid to the City Secretary. The City Secretary shall issue a receipt for such fees which receipt shall be filed with the electrical inspector, who thereupon shall issue a permit. All permit and inspection fees shall be set by the City Commission annually by ordinance in conjunction with the budget process. A copy of the current Fee Schedule may be obtained at City Hall.

## **ARTICLE III. MOVING BUILDINGS**

### **Sec. 5-51. Permit.**

Such licensed house mover shall in each case before moving any building, apply to the City Secretary for a permit so to do, in which application the building to be moved shall be described, its location stated, the place to which it is proposed to remove the same described, and the time required for such removal shall be stated, together with a description of the streets or other public or private property over which it is proposed to move said building. If the City Manager shall determine that no fire hazard will be created at the new location in the City and that the moving can be done with safety, he shall issue a permit. Such permit shall prescribe the route to be taken and limit the time for such removal, and such house mover shall immediately notify the Chief of the Fire Department and all companies maintaining electric wires across or along any street included in the designated route along which said house is to be moved, and the time when it is to be moved. Application for a permit shall be made on a form furnished by the City. All permit and inspection fees will be set by the City Commission annually by ordinance in conjunction with the budget process. A copy of the current Fee Schedule may be obtained at City Hall.

## **ARTICLE IV. PLUMBING AND GAS FITTING**

### **Sec. 5-60. International Plumbing Code adopted; penalty for violation.**

Certain documents, one (1) copy of which is on file in the office of the City Secretary and the City of Breckenridge, being marked and designated as International Plumbing Code, including Appendix Chapter Section 101.1, Section 106.6.2, Section 106.6.3, Section 108.4, Section 108.5, Section 305.6.1 and Section 904.1, as published by the International Code Council be and is hereby adopted as the code of the City of Breckenridge for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Breckenridge and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, latest edition, published by the International Code Council on file in the office of the City of Breckenridge are hereby referred to, adopted and made a part hereof as if fully set out in this section.

## **Sec. 5-60.1. Amendments to International Plumbing Code.**

The following sections are hereby revised:

*101.1. Title.* These regulations shall be known as the International Plumbing Code of the City of Breckenridge hereinafter referred to as “this Code”.

*106.6.2. Fee Schedule.* Application for a permit shall be made on a form furnished by the City. All permit and inspection fees will be as set by the City Commission annually by ordinance in conjunction with the budget process. A copy of the current Permit Fee Schedule may be obtained at City Hall.

*106.6.3. Fee Refunds.* The Code Official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 100 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. Not more than 100 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.

The Code Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

*108.4. Violation/Penalties.* Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a Class C misdemeanor, punishable by fine of not more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

*108.5. Stop work orders.* Upon notice from the Code Official, work on any plumbing system that is being done contrary to the provisions of this Code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine or not less than \$50.00 or more than \$500.00.

*305.6.1. Sewer depth.* Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches below grade.

*904.1. Roof extension.* All open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall run at least 7 feet (2134 mm) above the roof.

**Sec. 5-61. Fuel Gas Code adopted; penalty for violation.**

A certain document, one (1) copy of which is on file in the office of the City Secretary, being marked and designated as the International Fuel Gas Code, latest edition, as published by the International Code Council, Inc., be and is hereby adopted as the Fuel Gas Code, City of Breckenridge, in the State of Texas; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in Section 5-61.1 below.

**Sec. 5-61-1. Amendments to Fuel Gas Code.**

The following sections are hereby revised:

*101.1 Title.* These regulations shall be known as the Fuel Gas Code of the City of Breckenridge, hereinafter referred to as “this Code”.

*106.5 Fees.* A permit shall not be issued until the appropriate fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, due to an increase of the installation, has been paid.

*106.5.2. Fee Schedule.* Application for a permit shall be made on a form furnished by the City. All permit and inspection fees will be as set by the City Commission annually by ordinance in conjunction with the budget process. A copy of the current Permit Fee Schedule may be obtained at City Hall.

*106.5.3 Fee refunds.* The Code Official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 100 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. Not more than 100 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.

The Code Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

*108.4. Violation/Penalties.* Any person who shall violate a provisions of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the Code Official, or of a

permit or certificate issued under the provisions of this Code, shall be guilty of a Class C misdemeanor, punishable by fine of not more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

*108.5. Stop work orders.* Upon notice from the Code Official that work is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50.00 or more than \$500.00.

## **ARTICLE VI. MECHANICAL**

### **Sec. 5-100. International Mechanical Code adopted; penalty for violation.**

Certain documents, one (1) copy of which is on file in the office of the City Secretary, being marked and designated as the International Mechanical Code, including Appendix Chapters A and B, as published by the International Code Council, be and is hereby adopted as the Code of the City of Breckenridge for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Breckenridge and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Mechanical Code, latest edition, published by the International Code Council, on file in the office of the City of Breckenridge, are hereby referred to, adopted and made apart hereof as if fully set out in this Section.

The following sections are hereby revised:

*Section 101.1* Title. These regulations shall be known as the Mechanical Code of the City of Breckenridge, hereinafter referred to as "this Code".

*Section 106.5.2* Fee Schedule. Application for a permit shall be made on a form furnished by the City. All permit and inspection fees will be as set by the City Commission annually by ordinance in conjunction with the budget process. A copy of the current Permit Fee Schedule may be obtained at City Hall.

*Section 106.5.3* Fee Refunds. The Code Official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 100 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.

3. Not more than 100 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.

The Code Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

*Section 108.4. Violation/Penalties.* Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a Class C misdemeanor, punishable by fine of not more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

*Section 108.5. Stop work orders.* Upon notice from the Code Official that mechanical work is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine or not less than \$50.00 or more than \$500.00.

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III. ***Severability.*** The provisions of this ordinance are declared to be severable. If any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect notwithstanding the validity of any part.

IV. ***Open Meetings.*** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Local Government Code.

V. ***Effective Date.*** This ordinance shall take effect immediately upon its adoption by the City Commission and publication as required by the Texas Local Government Code.

The above and foregoing ordinance was duly proposed, read in full and adopted on the 3<sup>rd</sup> day of November, 2015, at a regular meeting of the City Commission.

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Jimmy McKay, Mayor

ATTEST:

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Heather Robertson-Caraway, City Secretary

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