

ORDINANCE NO. 2013-41

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROSENBERG, BY DELETING SECTIONS 6-29, 6-82, 6-126, AND 6-135 OF CHAPTER 6 THEREOF ENTITLED "BUILDINGS AND BUILDING REGULATIONS" AND ESTABLISHING THEREFOR NEW SECTIONS 6-29, 6-82, 6-126, AND 6-135 OF CHAPTER 6 REGARDING ADOPTION OF INTERNATIONAL EXISTING BUILDING CODE, 2012 EDITION, DWELLING OUTLETS, ADOPTION OF THE NATIONAL ELECTRICAL CODE, 2011 EDITION, CONDUCTORS, AND DEFINITION AND REMOVAL OF TEMPORARY SERVICE POLES; DELETING ARTICLE VII OF CHAPTER 6 AND ESTABLISHING THEREFOR A NEW ARTICLE VII ENTITLED "SWIMMING POOL AND SPA CODE"; DELETING ARTICLE XIV OF CHAPTER 6 THEREOF IN ITS ENTIRETY AND ESTABLISHING THEREFOR A NEW ARTICLE XIV THEREOF ENTITLED "RESERVED"; AND DELETING ARTICLE III OF CHAPTER 16 ENTITLED "RESERVED" AND ESTABLISHING THEREFOR A NEW ARTICLE III, ENTITLED "CONTRACTOR REGISTRATION" ESTABLISHING REQUIREMENTS FOR REGISTRATION OF CONTRACTORS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROSENBERG:

Section 1. The Code of Ordinances of the City of Rosenberg, Texas, is hereby amended by deleting all of Section 6-29, 6-82, 6-126, and 6-135 of Chapter 6 thereof, and substituting therefor a new Section 6-29, 6-82, 6-126, and 6-135 of Chapter 6 to read as follows:

**"CHAPTER 6 – BUILDINGS AND BUILDING REGULATIONS
ARTICLE I. – IN GENERAL**

Sec. 6-1. - Violations; penalties.

Any person violating any of the provisions of this chapter shall upon conviction be subject to the penalty in Section 1-13 for each offense. This penalty shall be cumulative of any other provision of this chapter relative to revocation, suspension or cancellation of licenses issued hereunder.

Sec. 6-2. - Definitions.

Building Official shall mean the building official or their designee.

Sec. 6-3. - Review of Decisions of Building Official.

- (a) *Petition for review; filing; time.* Any persons aggrieved by any action the inspector may within two (2) business days after such action file a written petition with the city for review of the action of the inspector by the building official.
- (b) *Hearing.* The building and standards board, within ten (10) days after the date of the filing of the petition, shall hear and determine the appeal. The board shall have the right to sustain, modify or reverse the action of the building official.
- (c) *Effect on inspector's action.* Until such time as the building official's action is reversed or modified by the city, such action shall in all things be effective.

Sec. 6-4. - Appeals; procedure.

- (a) *Time; letter to city council; contents.* Persons dissatisfied with a decision of the building and standards board shall have the right of appeal therefrom to the city council by addressing a letter to the city secretary within ten (10) days after the action appealed from, stating their desire to appeal from such action.
- (b) *Hearing.* Upon receipt of notice of such appeal, the city council shall set a date for hearing. The city secretary shall notify the appellant and the chairman of the building and standards board of the date set for the hearing. The building and standards board, as well as the applicant, shall have the right to be heard at the hearing.
- (c) *Powers of city council.* The city council shall have the right to confirm, modify or reverse the action or decision complained of. The action of the city council shall be final.
- (d) *When the building and standards board ruling is final.* If no appeal be taken within the time and in the manner hereinbefore provided, the ruling of the building and standards board shall be final. The action of the building and standards board shall be in all things effective unless reversed or modified by the city council.

Secs. 6-5—6-25. - Reserved.

ARTICLE II. - BUILDING STANDARDS

Sec. 6-26. - International Building Code adopted.

- (a) *Adopted.* The International Building Code, 2012 Edition, including current revisions and Appendices C, E, F, G, I, and J, as published by the International Code Congress, Inc., one (1) copy of which is on file with the city secretary, is hereby adopted and incorporated by reference as the building code of the city, subject to and including by reference such amendments, corrections, and additions as shall appear in this article.

- (b) *Controlling law in case of conflict.* In the event of conflict between the provisions of the building code incorporated by reference in (a) of this section and this Code, the provisions of this Code shall prevail.

Sec. 6-27. - Amendments to building code.

The International Building Code, as adopted in this article, is hereby amended as follows:

Chapter 11 of the 2012 IBC is hereby repealed and declared to be null and void and of no effect.

Chapter 13 of the 2012 IBC is hereby repealed and declared to be null and void and of no effect.

Chapter 34 of the 2012 IBC is hereby repealed and declared to be null and void and of no effect.

Sec. 6-28. - References construed.

- (a) Within said building code, including the following shall mean the dangerous buildings ordinances of the city found in section 6-271 et seq., of the Code of Ordinances of the city (the "Code of Ordinances") which ordinances and amendments thereto shall hereby be known as the dangerous building code:
Section 115 of the International Building Code.
Section 110.1.1 of the International Fire Code.
Section 115 of the International Existing Building Code.
- (b) Within said building code when reference is made to the duties of certain officials named therein that designated official in the city who has duties corresponding to those of the named official in said building code shall be deemed to be the responsible official insofar as enforcing the provisions of said building code are concerned.
- (c) Within said building codes, any and all references made to a "board of appeals," shall mean the members hereby appointed by the city council as the building and standards board, to consider all variances to the technical code and appeals of the decisions of the building officials upon final approval from the city council.

Sec. 6-29. - International Existing Buildings Code adopted.

- (a) The International Existing Building Code, 2012 Edition, including current revisions, Appendix B, and Resource A, as published by the International Code Congress, Inc., one (1) copy of which is on file with the city secretary, is hereby adopted by reference as though fully set forth herein.
- (b) Within said existing buildings code, any and all references made to the "Unsafe Building Code," including the following, shall mean the dangerous buildings

ordinances of the city found in section 6-271 et seq., of the Code of Ordinances of the city (the "Code of Ordinances") which ordinances and amendments thereto shall hereby be known as the dangerous building code:

Section 115 of the International Building Code.

Section 115 of the International Existing Buildings Code.

Section 110.1.1 of the International Fire Prevention Code.

- (c) Within said existing buildings code when reference is made to the duties of certain officials named therein that designated official in the city who has duties corresponding to those of the named official in said existing buildings code shall be deemed to be the responsible official insofar as enforcing the provisions of said existing buildings code are concerned.
- (d) Within said existing buildings code, any and all references made to a "board of adjustment and appeals," shall mean members appointed by the city council as the building and standards board to consider all variances to the existing buildings code and appeals of the decisions of the building official, upon final approval from the city council.

Sec. 6-30. - International Energy Conservation Code 2009 adopted.

- (a) The International Energy Conservation Code, 2009 Edition, including current revisions and all Appendices as published by the International Code Congress, Inc., one (1) copy of which is on file with the city secretary, is hereby adopted by reference as though fully set forth herein.
- (b) Within this energy code, including the following shall mean the dangerous buildings ordinances of the city found in section 6-271 et seq., of the Code of Ordinances of the city (the "Code of Ordinances") which ordinances and amendments thereto shall hereby be known as the dangerous building code:
Section 115 of the International Building Code.
Section 110.1.1 of the International Fire Code.
Section 115 International Existing Building Code.
- (c) Within said energy code when reference is made to the duties of certain officials named therein that designated official in the city who has duties corresponding to those of the named official in said energy code shall be deemed to be the responsible official insofar as enforcing the provisions of said energy codes are concerned.
- (d) Within said energy code, any and all references made to a "board of appeals", shall mean members appointed by the city council as the building and standards board to consider all variances to the energy code and appeals of the decisions of the building official, upon final approval from the city council.

Secs. 6-31—6-45. - Reserved.

ARTICLE III. - ELECTRICITY

DIVISION 1. - GENERALLY

Sec. 6-46. - Electrical work; defined; exceptions; by or under licensed electrician.

- (a) *Electrical work defined.* The term "electrical work" as used in this article, means the installing, maintaining, altering, repairing or erecting of any electrical wiring apparatus, device, appliance, fixture or equipment for which a permit is required under the terms and provisions of this article, except poles and guy anchors installed by an electric, telephone, telegraph, signal or public service company as a part of its distribution systems.
- (b) *Excepted work.* The provisions of this article shall not apply to:
 - (1) Communications systems. Electrical work, equipment and installations made by or for communications agencies in the actual furnishings of communications service nor to employees and to those doing electrical work and making installations in and on the lead side of the connecting switch on the communication agency's communication power switchboard, but the electrical work, installation and equipment shall comply with the provisions of the National Electrical Safety Code and the National Standard Electrical Code, including all subsequent amendments to these codes.
 - (2) Homeowners doing own work. Homeowners doing their own electrical installation work on residences for their own occupancy providing sections of this article pertaining to permits, inspections, materials, workmanship standards and fees are strictly complied with.
- (c) *By or under licensed electrician.* Except as provided in (b) of this section, it shall be unlawful for any person to do electrical work within the city unless such person is a state licensed master electrician, or unless such person does such electrical work under the supervision, direction and control of a licensed master electrician.

Sec. 6-47. - Liability for damages.

This article shall not be construed to relieve or lessen the responsibility of any party owning, operating or controlling any electric wiring, apparatus, device, appliance, fixture or equipment for damages to person or property caused by any defect therein, nor shall the city be held as assuming any such liability by reason of the inspection authorized herein or the approval as provided in Section 6-110 or otherwise.

Secs. 6-48—6-60. - Reserved.

DIVISION 2. - ELECTRICAL INSPECTORS

Sec. 6-61. - Specific duties of building official.

- (a) *Permits.* The building official shall, upon application, cause to be issued permits for the installation and alteration of electrical wiring, devices, appliances, fixtures, apparatus and equipment.
- (b) *Inspections.* The inspector shall be responsible for inspection of all new electrical installations and reinspections of all existing electrical installations as provided in this article.
- (c) *Records.* The inspector shall keep complete records of all permits issued, inspections and reinspections made and other official work performed in accordance with the provision of this article.

Sec. 6-62. - Right of entry; hours.

The building official and any of the assistants shall have the right, from 8:00 a.m. to 5:00 p.m., to enter any building in the discharge of their official duties or for the purpose of making any inspection, reinspection or test of the installation of electrical wiring, apparatus, devices, appliances, fixtures or electrical equipment contained therein.

Sec. 6-63. - Cutting off current; disconnecting wires.

The building official shall have the authority to cause the turning off of all electric currents and to cut or disconnect, in cases of emergency, any wire where such electric currents are dangerous to life or property or where such wires may interfere with the work of the fire department.

Sec. 6-64. - Emergency powers; defective, dangerous installations.

The building official is hereby empowered in emergencies to disconnect and to order the discontinuance of electrical service to any electric wiring, apparatus, device, appliance, fixture or equipment found to be dangerous to life and property because of its being defective or defectively installed or otherwise not in conformity with the provisions of this article until such wiring, apparatus, device, appliance, fixture or equipment and its installation has been made safe as directed by them in conformity with this article.

Sec. 6-65. - Engaging in business.

It shall be unlawful for inspectors to engage in the business of the sale, installation or maintenance of electrical wiring, apparatus, devices, appliances, fixtures or equipment, either directly, or indirectly, and they shall have no financial interest in any concern engaged in such business in the city at any time while holding the office of inspector for the city.

Secs. 6-66—6-80. Reserved.

DIVISION 3. - PERMITS

Sec. 6-81. - Required.

No wiring, poles, duct lines, guy anchors, apparatus, devices, appliances, fixtures or equipment for the transmission, distribution or utilization of electric energy for any purpose shall be installed within the city, nor shall any alteration or addition be made in any such existing wiring, poles, duct lines, guy anchors, apparatus, devices, appliances, fixtures or equipment without first securing a permit therefor from the building official, except as stated in Section 6-82.

Sec. 6-82. - When not required; inspection; conformity.

(a) *No permit required.* No permit shall be required for the following:

- (1) *Replacements.* Replacing fuses or lamps or the connection of portable devices to suitable receptacles which have been permanently installed for repairs to portable appliances.
- (2) *Minor repairs.* Minor repair work such as repairing or replacing flush and snap switches, receptacles and lamp sockets, or minor repairs of permanently connected electrical apparatus, appliances, fixtures or equipment or the installation of light globes.
- (3) *Communication systems.* Poles and guy anchors for the installation, maintenance or alteration of electric wiring, apparatus, devices, appliances or equipment for telegraph, telephone, signal service or central station protective service used in conveying signals or intelligence, except where electrical work is done on the supply or line side of the power switchboard but excluding the connecting switch on the power switchboard.
- (4) *Public service companies.* Poles and guy anchors for the installation, maintenance or alteration of electric wiring, apparatus, devices, appliances or equipment to be installed by an electric public service company for the use of such company in the generation, transmission, distribution, sale or utilization of electrical energy. However, an electric public service company shall not do any wiring on a customer's premises other than wiring which is a part of the company's distribution system, including metering equipment wherever located and transformer vaults in which the company's transformers are located, nor shall any of its employees do any work other than that done for the company as hereinbefore provided for, by virtue of this provision.
- (5) *Temporary installations used in teaching.* The installation of temporary wiring, apparatus, devices, appliances or equipment used by a recognized school in teaching electricity.

(b) *No permit or inspection.* No permit or inspection shall be required for the following:

(1) *Dwelling outlets*: The installation of three (3) or less one hundred ten volt outlets installed in dwellings by an electrical contractor, licensed by the State of Texas, and (2) *Specified established companies*. An established refrigeration, air conditioning, heating, motor repair firm or company for the replacement or installation of motors, solenoid valves, controls that are an established part of the system, provided the work conforms to the National Electrical Code and this article, and the electrical supply has been installed by a licensed electrician.

- (c) *Conformity*. Where no permit is required for the installation or repair of wiring, apparatus, devices or equipment for the transmission, distribution or utilization of electric energy for any purpose, the wiring, apparatus, devices or equipment shall be installed or repaired in conformity with the provision of this article.

Sec. 6-83. - Application; description; plans.

- (a) *Description of work*. The application for a permit required by this division shall describe the work to be done and shall be made in writing by a person holding the proper electrician's license.
- (b) *Plans, specifications and schedules*. The application shall be accompanied by such other plans, specifications and schedules as may be necessary to determine whether or not the installation as described will be in conformity with the requirements of this article as may be requested by the building official. No such plans, specifications and schedules shall be submitted and no such plans, specifications and schedules will be examined under the provisions of this division unless submitted by the holder of the proper electrician's license.

Sec. 6-84. - Additional work; changes in original; additions to existing installations.

- (a) *Required*. Any changes or additions to work performed under this article must be covered by additional permits issued before the changes are made.
- (b) *Delivery or posting before changes started*. On all installations where wiring, apparatus, devices, appliances, fixtures or equipment are added to previous installations or where changes are made on wiring, apparatus, devices, appliances, fixtures or equipment, the permit for such installations or changes shall be delivered to the one (1) person for whom the installation is to be made or posted on the building or structure as directed by the building official before the installation or change is started.

Sec. 6-85. - Issuance.

- (a) License required. No permit to perform any electrical work shall be issued to any person who is not the holder of the proper electrician's license.
- (b) Agreement with application and plans. The permit when issued shall be issued to the applicant to cover the work described in the application required in Section 6-83 and detailed in the plans filed with such application.
- (c) Compliance with chapter and ordinances. If it is found that the installation as described will in general conform to the requirements of this article, and if the applicant has complied with all provisions of the ordinances of the city, a permit for such installation shall be issued. The issuance of a permit shall not be construed as permission or as a license to violate any of the requirements of this article or any other ordinance of the city.

Sec. 6-86. - Display.

On all new installations, the permit for electrical work shall be displayed in a readily accessible location, as directed by the building official, throughout the time such installation covered by the permit is being made.

Sec. 6-87. - Emergency.

The building official may issue and enforce any rules or regulations deemed necessary covering the granting of emergency permits where real emergencies exist.

Secs. 6-88—6-105. – Reserved.

DIVISION 4. – INSPECTIONS

Sec. 6-106. - Notice of completion of work; inspection.

- (a) *Notifying.* Upon the completion of the work which has been authorized by the issuance of a permit, it shall be the duty of the licensed electrician to whom the permit has been issued to immediately notify the code enforcement office.
- (b) *Time.* The building official shall inspect, or cause to be inspected, such installation within three (3) days, exclusive of Sundays and holidays, of the time such notice is given.

Sec. 6-107. - Concealed work, continuous inspections.

When any part of a wiring installation is to be hidden from view by the permanent placement of parts of a building, the licensed electrician to whom the permit has been issued shall notify the building official and on such installation as the concealment of parts of the wiring must, in the discretion of the building official or their designee, necessarily proceed continuously, the licensed electrician to whom the permit has been

issued shall give the building official due notice and inspection shall be made periodically during the progress of the work.

Sec. 6-108. - Posting notice of approval; disapproval.

- (a) *Notice as to approval or disapproval.* When it is necessary, in the discretion of the building official or the designee, notice shall be posted upon the premises stating that work is approved and may be covered, or is not approved and may not be covered until such further inspection as is necessary has been made.
- (b) *Unauthorized removal.* Any person removing, destroying, altering or defacing a notice without the consent of the building official or the designee shall be deemed guilty of an offense under this section, and any work described in the notice shall be stayed pending the further necessary inspection.

Sec. 6-109. - Strict conformance required.

No approval of electrical work shall be issued unless the installation is in strict conformity with the provisions of this article, the statutes of the state and the rules and regulations issued by the state.

Sec. 6-110. - Final approval before connection; issued to utility company.

If electrical work is found to be in compliance with the provisions of this article, the building official, subject to the other applicable provisions of this article, shall issue final approval to the public utility company furnishing the electrical service, or the person supplying the energy, which certification shall authorize connection of such approved work to the source of energy of the electrical service, the turning on of current and the use of installation. No connection shall be made until such authorization is issued.

Sec. 6-111. - Reinspection; correction of unsafe conditions.

- (a) *Reinspection.* The building official or the inspectors, upon information or belief that faulty conditions exist, shall make a thorough reinspection of any electrical wiring, apparatus, devices, appliances, fixtures or equipment now installed or that may hereafter be installed within the city and within the scope of this article.
- (b) *Order to correct.* When the installation of such wiring, apparatus, devices, appliances, fixtures or equipment is found to be at variance with the original permit issued, in a dangerous or unsafe condition, or that the electrical measuring device has been tampered with so as to create a condition dangerous to the continuance of the electrical service or to life or property the person owning, using or operating the same shall be notified in writing and shall make the necessary repairs or changes required to place such wiring, apparatus,

devices or equipment in safe condition so as to entirely relieve the hazards created by such unauthorized conditions.

- (c) *Time.* The work shall be completed within fifteen (15) days or any reasonably longer period specified by the building official in the notice.

Secs. 6-112—6-125. - Reserved.

DIVISION 5. - STANDARDS

Sec. 6-126. - Adoption.

- (a) *Adopted.* The National Electrical Code, 2011 Edition, as recommended by the National Fire Protective Association, for electric wiring and apparatus, one (1) copy of which is filed with the city secretary, is hereby adopted and incorporated by reference as the electrical code of the city, subject to and including by reference such amendments, corrections, and additions as shall appear in this article. The electrical code shall govern and be observed and followed in all electrical wiring and in the construction, installation, repair, alteration, operation, and maintenance of electrical wiring, apparatus, or fixtures, except insofar as they may conflict with the provisions of this article.
- (b) *Controlling law in case of conflict.* In case of conflict between the National Electrical Code and the National Electrical Safety Code, the provisions of the National Electrical Code shall prevail. In case of conflict between the National Electrical Code or the National Electrical Safety Code and this Code, the provisions of this Code shall prevail.
- (c) *References construed.* Within said electrical codes and this article when reference is made to the duties of certain officials named therein that designated official in the city who has duties corresponding to those of the named official in said electrical codes and this article shall be deemed to be the responsible official insofar as enforcing the provisions of said electrical codes and this article are concerned.

Sec. 6-127. - Standards for materials, devices, etc.

No electrical materials, apparatus, devices, appliances, fixtures or equipment shall be sold or installed in the city unless they are in conformity with the provisions of this division, the statutes of the state and the rules and regulations issued by the industrial commission of the state under authority of the state statutes. The maker's name, trademark or other identification symbol shall be placed on all electrical materials, apparatus, devices, appliances, fixtures and equipment used or installed under this article.

Sec. 6-128. - Installations on street; franchise holders only.

- (a) *Franchise required.* No person or public service company which does not operate under a franchise granted by the city shall have the right to install any electrical conduits, wires, ducts, poles or equipment of any character for the transmission, distribution or utilization of electric energy or for the operation of signals for the transmission of intelligence on, over or under the streets in the city without first obtaining from the city council a franchise right or grant for the particular installation so desired to be made and any such installation so made under such franchise or grant shall be in strict conformity with all rules and regulations and ordinances of the city.
- (b) *Under streets.* Any installation of duct tubes, conduits or wires under the public streets shall be in accordance with this article and other city ordinances covering the use of public places and streets.

Sec. 6-129. - Distribution system limited to property of owner.

For the purpose of this article, the distribution system of any person furnishing electric power shall not extend to any property which such person does not own in fee simple or control by easement.

Sec. 6-130. - Installations—Connecting to current.

- (a) *Work done under permit.* It shall be unlawful for any person to make connection from a source of electrical energy to any electrical wiring, apparatus, devices, appliance, fixtures and equipment for the installation of which a permit is required until final approval, as required in Section 6-110, has been issued by the building official authorizing such connection and the use of such wiring, apparatus, devices, appliances, fixtures and equipment.
- (b) *Disconnected by building official.* It shall be unlawful for any person to make connection from a source of energy to any electrical wiring, apparatus, devices, appliances, fixtures and equipment which have been disconnected by an building official to be discontinued until final approval has been issued by the building official as provided in Section 6-110.
- (c) *Turned off for other reasons.* Any electrical service turned off within the fire zone or in buildings other than dwellings outside of the fire zone by the electrical company at the request of the owner, customer, inspector or fire department shall not be restored until inspected and notified by the inspector.

Sec. 6-131. - Same—Interference and change.

- (a) *Prohibited.* It shall be unlawful for any person, in any manner, to interfere with any electrical wiring installed or being installed in, on, within or without any structure or building.
- (b) *During construction; authorized person.* If in the course of erection of a building or structure the wiring is in such position as to interfere with the erection or completion of the building or structure as called for by the plans, notice shall immediately be given the person installing the wiring and the needed change shall be made by such person.

Sec. 6-132. - Abandoned wire and equipment.

In all repair, remodeling or rewiring installations all abandoned wire or electrical equipment shall be removed or made inaccessible.

Sec. 6-133. - Technical provisions.

- (a) *Wiring standards, generally.* Any type of wiring or wiring system may be used in the city limits, as approved in the national codes adopted in Section 6-126, except where specifically prohibited herein.
- (b) *Armored cable, type AC.* Armored cable, type AC, shall not be used under any conditions except when approved by the electrical inspector.
- (c) *Flexible metallic conduit.* Flexible metallic conduit shall not be used except for motor connections not over five (5) feet long where flexibility is necessary, except where longer lengths are necessary for a particular installation to obtain the flexibility necessary for that installation.
- (d) *Branch lighting circuits.* All joints on or to branch lighting circuits shall have soldered connections or the connections shall be made with an approved solderless connector.
- (e) *Open wiring; conduits.* Open wiring is approved only for temporary work and in central stations, substations, transformer vaults and at switchboards. Elsewhere than in central stations and substations, all circuits operating at more than six hundred (600) volts shall enter buildings or structures in a conduit run underground or extended overhead from another structure.
- (f) *Services.* All service conductors shall be installed in conduit.
- (g) *Size of service conduit.* Service conduit for any occupancy shall be not less than one-inch size.

Sec. 6-134. – Meters.

- (a) *Location.* Contact your local transmission distribution service provider.
- (b) *Fireproof cabinets and sockets.* Contact your local transmission distribution service provider.
- (c) *Accessibility of meter dial.* Contact your local transmission distribution service provider.
- (d) *Front or street side of building; owner's permission.* Contact your local transmission distribution service provider.
- (e) *Where exterior installation impractical.* Contact your local transmission distribution service provider.
- (f) *Relocation of meter loops; expense.* Contact your local transmission distribution service provider.

Sec. 6-135. - Miscellaneous.

- (a) *Circuit defined.* A circuit shall be defined as an ungrounded conductor that is fused.
- (b) *Heating units and attic fans.* In dwellings there shall be a switch or disconnection means within three (3) feet and in sight of heating units and attic fans.
- (c) *Electric panels; prohibited locations.* Electrical panels shall not be installed in bathrooms, clothes closets, kitchen closets or cabinets unless a closet is the large walk-in type, and approved by the building official.
- (d) *Size of conductor.* No conductor smaller than No. 12 shall be used in a wiring system.
- (e) *Washing machines.* Where plumbing facilities are installed for washing machines, an individual circuit using No. 12 wire with a grounded receptacle or ground wire for such machine shall be provided.
- (f) *Conductors.* All conductors shall be copper wire.

Exception: Aluminum wiring may be allowed for an entrance to a service conductor to a temporary service pole (Saw T-pole) as defined by this ordinance), and,

- (1) Shall be removed upon completion of construction, request of a temporary cut-in, final inspection, or upon notification by the building official, and
 - (2) Shall comply with the National Electrical Code (NFPA 70), and
 - (3) Shall be low voltage (100 amps or less).
- (g) *Temporary Service Pole Defined:* A temporary service pole (Saw T-Pole) is utilized for providing temporary electricity for commercial and residential construction. Said temporary service shall be removed:
- (1) after construction is completed,
 - (2) a request for a temporary cut-in is received,
 - (3) upon final inspection, or
 - (4) upon notification of the building official.
- (h) *Service equipment grounding conductors.* Service equipment grounding conductors must be connected to an approved accessible driven ground rod.

Secs. 6-136—6-150. - Reserved.

DIVISION 6. - ELECTRICAL SIGNS

Sec. 6-151. - Materials; approval before erection.

- (a) Signs constructed inside or outside the city shall be subject to the same rules and regulations as apply to any other electrical materials.
- (b) After approval, the inspector shall attach an approval label or stamp to the sign before it is erected.

Sec. 6-152. - When permit, inspection required.

- (a) *Existing circuits.* An electrical sign contractor shall be permitted to manufacture, install and do such wiring as required to connect the sign, outside lighting or inside lighting to existing circuits that have been approved by the building official for the specific load covered by the permit issued.
- (b) *Permit, inspection required.* A permit and inspection shall be necessary for the installation, replacement, relocation or removal and replacement of any electrical sign for repair or repainting.

- (c) *When permit not required.* No permit or inspection shall be required for minor repairs of signs provided the sign remains erected.

Sec. 6-153. - Master electrician.

Nothing in this division shall be construed as preventing a licensed master electrician from engaging in the business of electrical sign contractor. The master electrician shall otherwise comply with the requirements of this article as to rules for sign work.

Sec. 6-154. - Persons other than contractor or electrician.

An electrical sign may be erected by anyone other than an electrical sign contractor or master electrician provided a permit and inspection are issued and no electrical work is involved.

Secs. 6-155—6-170. - Reserved.

ARTICLE IV. - PLUMBING AND GAS

Sec. 6-171. - Codes adopted.

- (a) *Adopted and incorporated by reference.* The 2012 Editions of the International Plumbing Code, including current revisions and Appendices B, C, D, E, F, and G, and the 2012 International Fuel Gas Code, including current revisions and Appendices A, B, C, and D, as published by the International Code Congress, Inc., one (1) copy which is on file with the city secretary, is hereby adopted and incorporated by reference as the plumbing and fuel gas codes of the city, subject to and including by reference such amendments, corrections, and additions as shall appear in this article.
- (b) *Controlling law in case of conflict.* In the event of conflict between the provisions of the fuel gas code or plumbing code incorporated by reference in (a) of this section and this Code, the provisions of this Code shall prevail.

Sec. 6-172. - Amendments to plumbing code.

The plumbing code adopted by this article is hereby amended, altered and modified as follows:

Inspectors. Section 103.3 of such code is amended to read as follows:

"The building official, with the approval of the chief appointing authority of the municipality, may appoint such number of officers, inspectors, assistants and other employees as shall be authorized from time to time. No person shall be

appointed as inspector of plumbing who has not met city, county, or state requirements."

Drinking Fountains. Section 410.3 of such code is amended to read as follows:

"Where restaurants provide drinking water in a container free of charge, or in B or M occupancy groups providing drinking water in a container free of charge, and with an occupant load less than 15, drinking fountains shall not be required. In other occupancies, where drinking fountains are required, water coolers or bottled water dispensers shall be permitted to be substituted for not more than 50 percent of the required number of drinking fountains.

Sec. 6-173. - References construed.

- (a) Within said plumbing and gas codes when reference is made to the duties of corresponding to those of the named official in said plumbing and gas codes shall be deemed to be the responsible official insofar as enforcing the provisions of said plumbing and gas codes are concerned.
- (b) Within said plumbing and gas codes, any and all references made to a "board of adjustment and appeals," shall mean the members hereby appointed by the city council as the building and standards board to consider all variances to the plumbing and gas codes and appeals of the decisions of the building official, upon final approval of the city council.

Secs. 6-174—6-190. - Reserved.

ARTICLE V. - MECHANICAL CODE

Sec. 6-191. - Code adopted.

- (a) *Adopted.* The International Mechanical Code 2012 Edition, including current revisions and Appendix A, as published by the International Code Congress, Inc., one (1) copy of which is on file with the city secretary, is hereby adopted and incorporated by reference as the mechanical code of the city, subject to and including by reference such amendments, corrections, and additions as shall appear in this article.
- (b) *Controlling law in case of conflict.* In the event of conflict between the provisions of the mechanical code adopted by this section and this Code, the provisions of the Code of Ordinances shall prevail.

Sec. 6-192. - References construed.

- (a) Within said mechanical code when reference is made to the duties of certain officials named therein that designated official in the city who has duties corresponding to those of the named official in said mechanical code shall be deemed to be the responsible official insofar as enforcing the provisions of said mechanical code are concerned.
- (b) Within said mechanical code, any and all references made to a "board of adjustment and appeals", shall mean members hereby appointed by the city council as the building and standards board to consider all variances to the mechanical code and appeals of the decisions of the building official, upon final approval from the city council.

Secs. 6-193—6-230. - Reserved.

ARTICLE VI. - RESIDENTIAL CODE

Sec. 6-231. - Code adopted.

- (a) *Adopted.* The 2012 International Residential Code, including current revisions and all appendices and all subsequent amendments thereto, published by the International Code Congress, Inc., one (1) of which is on file with the city secretary is hereby adopted and incorporated by reference as the residential code of the city, subject to, and including by reference such amendments, corrections and additions as shall appear in this article.
- (b) *Controlling law in case of conflict.* In the event of conflict between the provisions of the residential code adopted by this section and this Code, the provisions of the Code of Ordinances shall prevail.

Sec. 6-232. - References construed.

- (a) Within said residential code when reference is made to the duties of certain officials named therein that designated official in the city who has duties corresponding to those of the named official in said housing code shall be deemed to be the responsible official insofar as enforcing the provisions of said residential code are concerned.
- (b) Within said residential code, any and all references made to a "board of adjustment and appeals," shall mean members appointed by the city council as the building and standards board to consider all variances to the housing code and appeals of the decisions of the building official, upon final approval of the city council.

Sec. 6-233. – Amendments to the 2012 International Residential Code.

The residential code adopted by this article is hereby amended, altered and modified as follows:

Section R313: Automatic Fire Sprinkler Systems is hereby deleted in its entirety.

Chapter 11: Energy Efficiency is hereby deleted in its entirety.

Section P2803.6.1: Requirements for discharge pipe: The discharge piping serving a pressure-relief valve, temperature-relief valve or combination valve shall:

1. Not be directly connected to the drainage system
2. Discharge through an air gap located in the same room as the water heater.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.
5. Discharge shall extend to the outdoors. When approved by the building official, installations in existing buildings may discharge to the floor, to the pan serving the water heater or storage tank, or to a waste receptor, in lieu of discharging to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed to flow by gravity.
10. Not terminate more than 6 inches (152mm) above the floor or waste receptor.
11. Not have a threaded connection at the end of the piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section P2905.5 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.

Secs. 6-234—6-240. – Reserved.

ARTICLE VII. - SWIMMING POOL AND SPA CODE

Sec. 6-241. Code Adopted.

- (a) Adopted. The 2012 International Swimming Pool and Spa Code is hereby adopted, including current revisions and all appendices, and all subsequent amendments thereto, published by the International Code Congress, Inc., one (1) copy of which is on file with the city secretary is hereby adopted and incorporated by reference as the swimming pool and spa code of the city, subject to and including by reference such amendments, corrections, and additions as shall appear in this article.
- (b) Controlling law in case of conflict. In the event of conflict between the provisions of the swimming pool and spa code adopted by this section and this Code, the provision of this Code shall prevail.

Secs. 6-242—6-249. – Reserved.”

Section 2. The Code of Ordinances of the City of Rosenberg, Texas, is hereby amended by deleting all of Article XIV of Chapter 6, thereof in its entirety and establishing therefor a new Article XIV of Chapter 6, as follows:

“Chapter 6 - BUILDINGS AND BUILDING REGULATIONS ARTICLE XIV. – RESERVED

Secs. 6-390—6-395. – Reserved.”

Section 3. The Code of Ordinances of the City of Rosenberg, Texas, is hereby amended by deleting all of Article III of Chapter 16, thereof in its entirety and establishing therefor a new Article III of Chapter 16, as follows:

“Chapter 16 - LICENSES AND BUSINESS REGULATIONS ARTICLE III. – CONTRACTOR REGISTRATION

Sec. 16-61. - Registration of Contractors.

- (a) Required Registration. Any person engaged in any occupation regulated by this chapter who wishes to do work requiring a permit under the City of Rosenberg Code of Ordinances must be registered with the building official.
- (b) Occupations Included. Those persons required to register include but are not limited to the following: general contractors, building contractors, fire system

installers, electrical contractors, mechanical contractors, building maintenance personnel, roofing contractors, fire systems contractors, fence contractors, sign contractors, water treatment installers, backflow testers, movers, and irrigation contractors.

(c) Requirements:

- (1) Registration as a contractor shall be made upon forms provided by the building official of the City of Rosenberg and all information requested shall be submitted by the applicant.

(d) Revocation of Registration and Rejection of Application for Registration. Registration may be revoked or rejected by the building official for the following reasons:

- (1) Failure to fully complete the registration form;
- (2) Refusal to correct any code violation after notice; or
- (3) Continuous or repeated violations of the code.

(e) Appeals. Revocation of a registration or refusal to grant an application for registration by the building official may be appealed to the Building and Standards Board in accordance with the applicable provisions of this chapter.

(f) Exemptions. No registration shall be required for:

- (1) A homeowner who occupies the property as his permanent residence and is performing the work themselves under a homeowner's permit, or
- (2) A business owner performing the work themselves and acting as their own general contractor, or
- (3) A charitable organization as defined by the standards of the United States Internal Revenue Service.

Secs. 16-62—16-153. – Reserved.”

Section 4. Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount as provided in Section 1-13 of this Code. Each day of violation shall constitute a separate offense.

Section 5. All ordinances and parts of ordinance in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Rosenberg, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

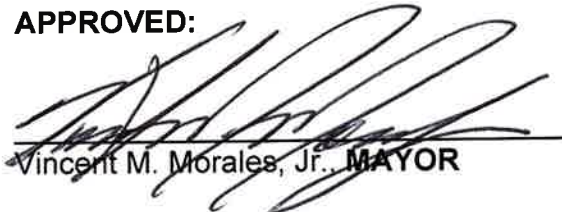
PASSED AND APPROVED by a vote of 6 "ayes" in favor and 0 "noes" against on this first and final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on the 15th day of October, 2013.

ATTEST:


Linda Cernosek, **CITY SECRETARY**



APPROVED:


Vincent M. Morales, Jr., **MAYOR**

APPROVED AS TO FORM:


Lora Jean D. Lenzsch, **CITY ATTORNEY**