

Maya Sanchez
Mayor
Leticia Miranda
Aldersperson Pl. 1
David Cantu
Aldersperson Pl. 2



Miguel Najera Jr.
Aldersperson Pl. 3
Rebecca Martinez-Juarez
Aldersperson Pl. 4
George Almanzar
Aldersperson Pl. 5

City of San Elizario

ORDINANCE NO. 1515.03

PERMITS AND BUILDING CODE

AN ORDINANCE OF THE CITY OF SAN ELIZARIO, TEXAS, REQUIRING BUILDING PERMITS FOR RESIDENTIAL, NON-RESIDENTIAL AND CERTAIN CONSTRUCTION ACTIVITIES, AND ADOPTING THE 2009 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS, THE 2009 INTERNATIONAL BUILDING CODE, THE 2008 NATIONAL ELECTRICAL CODE, THE 2009 INTERNATIONAL PLUMBING CODE, THE 2009 INTERNATIONAL MECHANICAL CODE, THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE; PROVIDING FOR REVISIONS TO CODE; ENFORCEMENT, INCLUDING FINES AND PENALTIES NOT TO EXCEED \$2000; A REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of San Elizario ("City") seeks to provide for the safe and orderly development of property within its corporate limits and extraterritorial jurisdiction; and

WHEREAS, the City seeks to deter shabby craftsmanship, minimize water loss and damage, prevent fires, reduce storm damage to neighboring properties, preserve property values, and conserve vital fuel and natural resources; and

WHEREAS, the City finds that poorly constructed buildings constitute a nuisance and a threat to the public health, safety and general welfare; and

WHEREAS, the City finds it to be in the best interest of the public to provide for the uniform regulation of the construction, design, repair, and maintenance of residential and non-residential buildings within the City; and

WHEREAS, the City is authorized to regulate construction and prohibit nuisances pursuant to the City's general police powers and Texas Local Government Code Chapters 51, 54, and 217; and

WHEREAS, pursuant to Texas Local Government Code Chapter 214 the City is expressly authorized to establish procedures to adopt certain building codes, establish local amendments to such codes, and provide for the administration and enforcement of the codes; and

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

I. ESTABLISHMENT OF OFFICIAL BUILDING CODES

A. Popular Name

This Ordinance may be referred to as the “Building Code Ordinance.”

B. Findings of Fact

All of the above premises are hereby found to be true and correct legislative and factual findings and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

C. Purpose

This Ordinance is adopted so that the City may promote the public health, safety, morals and general welfare within the City through the regulation of certain construction activities.

D. Compliance Required

- (1) It shall be unlawful for any person to alter, build, construct, demolish, erect, extend, install, modify, move, relocate, remodel, or remove a building, site place, or structure in a manner not in compliance with this Ordinance.
- (2) It shall be unlawful for any person to grade or fill in a manner not in compliance with this Ordinance.
- (3) It shall be unlawful for any person to construct a swimming pool or septic system in a manner not in compliance with this Ordinance.

E. Scope of Jurisdiction

The provisions of this Ordinance shall apply within the City Limits (i.e., incorporated municipal boundary) of the City.

F. Applicability

This Ordinance shall not apply to properties upon which construction lawfully commenced prior to the adoption of this Ordinance. Construction initiated prior to the adoption of this Ordinance shall remain subject to previously adopted building codes unless the owner opts to comply with this Ordinance through written notification to the City.

G. Effective Date

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

H. Permit Fees

No permit required by the Building Code shall be issued until the fees prescribed by city ordinance have been paid; nor shall any amendment to a permit be approved until the additional fees, if any, have been paid.

2. RESIDENTIAL BUILDING CODE

A. Code Adopted

The City hereby adopts a certain document, one copy of which is on file in the office of the City Secretary, being marked and designated as the 2009 edition of the “International Residential Code for One- and Two- Family Dwellings,” published by the International Code Council, Inc., as may be amended. Such document, as may be amended, is hereby adopted as the “Residential Building Code” of the City for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to and use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the City, and providing for the issuance of permits and collection of fees therefore; and each and all regulations, provisions, conditions and terms of such International Residential Code, which is adopted and made a part hereof as if fully set out in this Ordinance. The Residential Building Code shall also include the certain Appendix Chapters as may be designated by the City. The City specifically adopts Appendix “G” of this Code.

B. Permit Required

It shall be unlawful for any person to build residential buildings or structures within the City without first applying for and receiving a permit. It shall also be unlawful to build within the City contrary to a permit that has been issued.

3. COMMERCIAL BUILDING CODE

A. Code Adopted

The City hereby adopts a certain document, a copy of which are on file in the office of the City Secretary, being marked and designated as the 2009 edition of the “International Building Code,” published by the International Code Council, Inc., as may be amended. Such document, as may be amended, is hereby adopted as the “Commercial Building Code” of the City for control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Commercial Building Code, which is adopted and made a part hereof as if fully set out in this Ordinance. The Commercial Building Code shall also include the certain Appendix Chapters as may be designated by the City.

B. Permit Required

It shall be unlawful for any person to build non-residential buildings or structures within the City without first applying for and receiving a permit. It shall also be unlawful to build within the City contrary to a permit that has been issued.

4. ELECTRICAL CODE

A. Code Adopted

The City hereby adopts a certain document, one copy of which is on file in the office of the City Secretary, being marked and designated as the 2008 edition of the “National Electrical Code,” as may be amended. Such document, as may be amended, is hereby adopted as the “Electrical Code” of the City, and as such shall apply to all residential electrical construction applications. The City may establish procedures for the administration and enforcement of the Electrical Code, and may adopt local amendments to the National Electrical Code.

B. Permit Required

It shall be unlawful for any person to perform any electrical work within the City without first applying for and receiving a permit. It shall also be unlawful to perform any electrical work within the City contrary to a permit that has been issued.

5. PLUMBING CODE

A. Code Adopted

The City hereby adopts a certain document, one copy of which is on file in the office of the City Secretary, being marked and designated as the 2009 edition of “The International Plumbing Code,” published by the International Association of Plumbing and Mechanical Officials, as may be amended. Such document, as may be amended, is hereby adopted as the “Plumbing Code” of the City, and as such shall apply to all plumbing construction applications. The City may establish procedures for the administration and enforcement of the Plumbing Code, and may adopt local amendments to the International Plumbing Code.

B. Permit Required

It shall be unlawful for any person to perform any plumbing work within the City without first applying for and receiving a permit. It shall also be unlawful to perform any plumbing work within the City contrary to a permit that has been issued.

6. MECHANICAL CODE

A. Code Adopted

The City hereby adopts a certain document, one copy of which is on file in the office of the City Secretary, being marked and designated as the 2009 edition of “The International Mechanical Code,” as developed by the International Code Council, as may be amended. Such document, as may be amended, is hereby adopted as the “Mechanical Code” of the City, and as such shall apply to all mechanical construction applications. The City may establish procedures for the administration and enforcement of the Mechanical Code, and may adopt local amendments to the International Mechanical Code.

B. Permit Required

It shall be unlawful for any person to perform any mechanical work within the City without first

applying for and receiving a permit. It shall also be unlawful to perform any mechanical work within the City contrary to a permit that has been issued.

7. ENERGY CONSERVATION CODE

The City hereby adopts a certain document, one copy of which is on file in the office of the City Secretary, being marked and designated as the 2009 edition of “The International Energy Conservation Code.” Such document, as may be amended, is hereby adopted as the “Energy Conservation Code” of the City, and as such shall apply to all residential and commercial construction applications. The City may establish procedures for the administration and enforcement of the Energy Conservation Code, and may adopt local amendments to the International Energy Conservation Code.

8. FUEL AND GAS CODE

The City hereby adopts a certain document, one copy of which is on file in the office of the City Secretary, being marked and designated as the 2009 edition of “The International Fuel and Gas Code.” Such document, as may be amended, is hereby adopted as the “Fuel and Gas Code” of the City, and as such shall apply to all residential and commercial construction applications. The City may establish procedures for the administration and enforcement of the Fuel and Gas Code, and may adopt local amendments to the International Fuel and Gas Code.

9. ENFORCEMENT

A. Civil and Criminal Penalties

The City shall have the power to administer and enforce the provisions of this Ordinance and the codes adopted by this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance or the codes herein adopted is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

B. Criminal Prosecution

Any person violating any provision of this Ordinance or the codes herein adopted shall, upon conviction, be fined a sum not exceeding \$2000. Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

C. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the City’s right to bring a civil action to enforce the provisions of this Ordinance and the codes herein adopted, and to seek remedies as allowed by law, including, but not limited to the following:

- (1) injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
- (2) a civil penalty up to \$100.00 a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the

Ordinance or failed to take action necessary for compliance with the Ordinance; and
(3) other available relief.

10. CODE CONFLICTS

If any provision of this Ordinance shall be interpreted as conflicting with or being contrary to a provision in any of the codes adopted by this Ordinance, the more stringent requirement shall govern. If in case of a conflict it is not easily discernible which provision is more stringent, the requirements stated in the text of this Ordinance shall govern.

11. REPEALER

All Ordinances or parts of Ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

12. SEVERABILITY

It is hereby declared to be the intention of the City that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

13. EFFECTIVE DATE

This ordinance shall be effective from and after the date of its passage and publication in accordance with the law.

14. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was 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 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this, the 10 day of February 2015, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS



Maya Sanchez, Mayor