CITY OF DORCHESTER, TEXAS
ORDINANCE NO. 2205

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DORCHESTER, TEXAS, REGARDING ADDING ARTICLE 2 WHICH WOULD INCLUDE ADOPTING THE 2018 EDITION OF THE INTERNATIONAL BUILDING CODE, ADOPTING THE 2017 ELECTRICAL CODE, ADOPTING THE 2018 INTERNATIONAL HOUSING CODE, ADOPTING THE 2018 INTERNATIONAL RESIDENTIAL CODE, ADOPTING THE 2018 EDITION OF THE INTERNATIONAL PLUMBING CODE, ADOPTING THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE, ADOPTING THE 2018 INTERNATIONAL FUEL GAS CODE, ADOPTING THE 2018 EDITION OF THE INTERNATIONAL MECHANICAL CODE, ADOPTING THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE, AND ADDING ARTICLE 3 – BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY; PROVIDING FOR A PENALTY FOR ANY VIOLATION OF THIS ORDINANCE NOT TO EXCEED $2,000; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the State of Texas ("State") has mandated that the International Codes published by the International Code Council (ICC) or comparable regulations are to be used by local governments that regulate building construction; and

WHEREAS, the ICC model codes are reviewed and updated periodically to respond to changes in technology and construction standards; and

WHEREAS, the State has mandated the energy conservation chapter of the 2015 International Residential Code, as the energy code for all single-family residential construction effective September 1, 2016; and

WHERAS, the State has mandated the 2015 International Energy Code as the energy code for all other residential, commercial, and industrial construction effective November 1, 2016; and

WHEREAS, many cities in Texas have adopted or are considering adopting the more recent versions of the ICC International Codes and the National Electric Code; and

WHEREAS, in order to appropriately respond to changes in technology, construction standards and State law, the City Council finds that it is in the City's best interest to adopt the 2018 versions of the ICC International Codes, the 2017 National Electric Code; and

WHEREAS, the ICC International Codes and the National Electric Code are designed for adoption by state or local governments by reference; and

WHEREAS, the City should specifically require the issuance of Building Permits and Certificates of Occupancy to provide for orderly process of building construction and inspections; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORCHESTER, TEXAS, THAT:

Section 1. Recitals Incorporated.

The above-referenced recitals are incorporated herein as if set forth in full for all purposes.

Section 2. Adding Article 2 and Article 3.

This ordinance adds Article 2.00 and Article 3.00 to the Dorchester ordinances.

Section 3. International Building Code Adopted.

Article 2.00
Sec 1.101 Adoption of Building Code

The International Building Code, 2018 Edition, published by the International Conference of Building Officials, a copy of which is on file in the office of the city secretary, is hereby adopted and the same is made a part hereof by reference.

Section 4. National Electrical Code Adopted.

Article 2.00
Sec 2.101 Electrical Code Adopted

The National Electrical Code, 2017 edition is hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling for all electrical work within the area of jurisdiction of the city. A copy of said National Electrical Code shall be filed in the office of the city secretary.

Section 5. International Residential Code.

Article 2.00
Sec 3.101 International Residential Code Adopted
The International Residential Code 2018 Edition a copy of which is on file in the office of the city secretary, is hereby adopted and the same is made a part hereof by reference.

Section 6. International Plumbing Conservation Code.

Article 2.00
Sec 4.101 International Plumbing Code Adopted
The International Plumbing Code 2018 Edition, a copy of which is on file in the office of the city secretary, is hereby adopted and the same is made a part hereof by reference.

Section 7. International Energy Conservation Code.

Article 2.00

Sec 5.101 International Energy Conservation Code Adopted

The City Council hereby adopts the 2018 Edition of the International Energy Conservation Code a copy of which is on file in the office of the city secretary, is hereby adopted and the same is made a part hereof by reference.

Section 8. International Fuel Gas Code.

Article 2.00

Sec 6.101 International Gas Code Adopted

The City Council hereby adopts the 2018 Edition of the International Fuel Gas Code a copy of which is on file in the office of the city secretary, is hereby adopted and the same is made a part hereof by reference.

Section 9. International Mechanical Code.

Article 2.00

Sec 7. 01 International Mechanical Code Adopted

The City Council hereby adopts the 2018 Edition of the International Mechanical Code a copy of which is on file in the office of the city secretary, is hereby adopted and the same is made a part hereof by reference.

Section 9. International Fire Code

Article 2.00

Sec 8.101 International Fire Code Adopted

The International Fire Code including appendices, 2018 edition, copies of which are on file in the office of the city secretary, is hereby adopted, and the same is made a part hereof by reference.

Section 10. Building Permits and Certificates of Occupancy

Article 3.00

Section 1.101 Building permits and certificates of occupancy

(a) Building permits required. No building or other structure shall be erected, moved, added to, enclosed, or structurally altered without a permit therefor where applicable, and issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this article, unless he receives a written order from the planning and zoning commission or city council in the form of an administrative review, special exception, or variance as provided by this article.

(b) Application for building permit. All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of

buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this article. One copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the administrative official.

(c) Expiration of building permit. If the work described in any building permit has not begun within six calendar months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the administrative official; and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained. Failure by the administrative official to provide such written notice shall not have an effect on the expiration of a building permit.

(d) Certificate of occupancy required. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the administrative official stating that the proposed use of the principal building or land conforms to the requirements of this article.

(1) No permit for erection, alteration, moving, or structural repair of any building shall be issued until an application has been made for a certificate of occupancy, and the certificate shall be issued in conformity with the provisions of this article upon completion of the work.

(2) A temporary certificate of occupancy may be issued by the administrative official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that said temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

(3) The administrative official shall maintain a public record of all certificates of occupancy.

(4) Failure to obtain a certificate of occupancy shall be a violation of this article and punishable under this article.

(e) Construction and use to be as provided in applications, plans, permits, and certificates of occupancy. Building permits or certificates of occupancy issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, or construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this article, and punishable as provided by this article.

(f) Certificates of occupancy required for use or change of use.

(1) Certificates of occupancy shall be required for the following:

(A) Occupancy and use of a building hereafter erected or structurally altered;

(B) Change in use of an existing building to a use of a different classification;

(C) Occupancy and use of vacant land, except agricultural use;

(D) Change in the use of land to a different classification;

(E) Any nonconforming use or change in a nonconforming use.

(2) No such use, or change of use, shall take place until a certificate of occupancy therefor shall have been issued by the building official.

(g) Procedure for new or altered buildings. Written application for a certificate of occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for such building. Said certificate shall be issued with 10 days after a written request for the same has been made to said building official or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this article.

(h) Procedure for vacant land or a change in building use. Written application for a certificate of occupancy, or for the change in use of land or a building, or for a change in a nonconforming use to a conforming use, as provided herein, shall be made to the building official. If the proposed use is a nonconforming use, as provided herein, application shall be made to said building official. If the proposed use is in conformity with the provisions of this article, the certificate of occupancy therefor shall be issued within 10 days after the application for same has been made.

(i) Contents. Every certificate of occupancy shall state that the building or the proposed use of a building or land complies with all provisions of the building and fire laws and ordinances. A record of all certificates of occupancy shall be kept on file in the office of the building official or his agent and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected.

(j) Temporary certificate. Pending the issuance of a regular certificate of occupancy, a temporary certificate of occupancy may be issued by the building official for a period not exceeding six months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the city relating to the use or occupancy of the premises or any other matter covered by this article.

(k) Certificates of occupancy for nonconforming uses. A certificate of occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of this article. The certificate of occupancy shall state specifically wherein the nonconforming use differs from the provisions of this article that would apply to the nonconforming use, but for its status as a nonconforming use. Application for such certificate of occupancy for a nonconforming use shall be filed with the building official by the owner or lessee of the building or land occupied by such nonconforming use within one year of the effective date of this article. If the city does not receive an application for a certificate of occupancy for nonconforming use within said time period, an irrebuttable presumption shall arise that the use in question does not constitute a nonconforming use, but an illegal use.

Section 11. Penalty.

Any violation of any of the terms of this ordinance, whether herein denominated as unlawful or not, shall be deemed a misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed ($2,000.00) two thousand dollars for each incidence of violation. Each day of the continuance of such violation shall be considered a separate offense and be punished separately.

Section 12. Savings, Severability and Repealing Clauses.

All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The City declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

Section 13. Publication of the Caption Hereof and Effective Date.

This ordinance shall be in full force and effective from and after its passage and upon the posting and/or publication, if required by law, of its caption and the City Secretary is hereby directed to implement such posting and/or publication.

PASSED by the City Council of the City of Dorchester, Texas, this 7th day of February 2022.

ATTESTED:

Becky Vincent

City Secretary, Becky Vincent

APPROVED:

Mayor David Smith