

City of Cottonwood Shores

**ORDINANCE 3001**

AN ORDINANCE OF THE CITY OF COTTONWOOD SHORES ADOPTING THE 2006 EDITION OF THE INTERNATIONAL BUILDING CODE, INCLUDING THE APPENDIX A THROUGH K, ADOPTING THE 2006 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, INCLUDING THE APPENDIX A THROUGH Q, ADOPTING THE 2006 EDITION OF THE INTERNATIONAL PLUMBING CODE, INCLUDING THE APPENDIX A THROUGH G; ADOPTING THE 2006 EDITION OF THE INTERNATIONAL MECHANICAL CODE, INCLUDING THE APPENDIX A AND B; ADOPTING THE 2006 EDITION OF THE INTERNATIONAL FUEL GAS CODE, INCLUDING THE APPENDIX A THROUGH D; ADOPTING THE 2006 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTING THE 2006 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; ADOPTING THE 2006 INTERNATIONAL FIRE CODE, INCLUDING THE APPENDIX A THROUGH G ; PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS THERETO; ADOPTION OF THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE; PROVIDING FOR ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the City Council of the City of Cottonwood Shores, has determined the need to adopt modern, standardized building, electrical, energy, fire protection, plumbing, mechanical, residential, fuel gas Codes for the community.

WHEREAS, the adoption of these Codes is done to facilitate proper inspection activities by the City of Cottonwood Shores relating to construction and maintenance of buildings within the incorporated limits of said City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, THAT:**

**Section 1 – History:**

1. **November 5, 2010:** Ordinance 3001 adopted, replacing Ordinance 215.
2. **April 04, 2012:** Amended Ordinance, adding enforcement for disregarding a stop-work order and adding a clause to ensure that probable cause would be adhered to by any investigating authority.
3. **June 21, 2012:** Amended Ordinance, adding Article VII, International Property Maintenance Code and Article VIII, **International Existing Building Code**
4. **September 6, 2012:** Amended Ordinance by revising Enforcement/Penalty Clause
5. **July 7, 2016:** Amended Enforcement Clause, Article VII, Section 1.2.12 and 2.0.

**Section I:** All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Cottonwood Shores and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION II: ADOPTION OF CODES:**

**Article I -- Adoption of the International Building Code:**

1. **Adoption:** The International Building Code, 2006 Edition, including Appendix A through K as published by the International Code Council, is hereby adopted and designated as the building Code of the City of Cottonwood Shores and is made a part hereof, as amended.
  - 1.1. One (1) copy of the 2006 edition of the International Building Code is incorporated herein by reference and shall be filed in the City Hall for permanent record and inspection.
  - 1.2. Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such Code shall be fully applicable and binding. In the event a conflict is determined to exist between said International Building Code as adopted and the other provisions of this Ordinance, the latter provisions shall be construed as controlling and taking precedence over the former.
2. **Changes and additions -- the following sections are hereby revised:**
  - 2.1. Section R101.1 Insert: City of Cottonwood Shores.
  - 2.2. Table R301.2 (1) Insert: R 301.2 (1).
  - 2.3. Insert: Negligible.
  - 2.4. Insert: Twelve inches.
  - 2.5. Insert: Moderate to Heavy.
  - 2.6. Insert: None to Slight.
  - 2.7. Insert: 90 M.P.H.
  - 2.8. Insert: 28.
  - 2.9. Insert: Seismic Design Category A.
  - 2.10. Insert: The date of original entry into the flood insurance program is adopted by reference and the date of current FIRM map is hereby adopted by reference.
  - 2.11. Insert: No.
  - 2.12. Insert: See [www.ncdc.noaa.gov/tpsf.html](http://www.ncdc.noaa.gov/tpsf.html).
  - 2.13. Insert: See [www.ncdc.noaa.gov/tpsf.html](http://www.ncdc.noaa.gov/tpsf.html).
  - 2.14. Section P2603.6.1 Insert: Twelve inches in both locations.

2.15.Section P3103.1 Insert: six inches.

3. **Fees:**

- 3.1. The permit fees under the Standard Building Code shall be as adopted from time to time by Ordinance of the City Council.
- 3.2. The Building Official is hereby authorized to assess fees in an amount not to exceed three hundred (300) percent of the normal fees for the various permits issued from his office in the event that work requiring permits has been initiated without first obtaining a permit to perform said work, or if work is proceeded in defiance of a posted stop work order as placed by City staff; this pertains to all permits that are now and may be hereafter issued from the office of the Building Official.
- 3.3. It shall be unlawful for any person firm or entity to proceed; or order any other person, firm or entity to proceed to work, without obtaining a permit from the City, or in defiance of a posted stop work order. Each day of such occurrence shall constitute a separate offense.

**ARTICLE II - Adoption of the National Electrical Code:**

1. **Adoption:** The National Electric Code, 2008 Edition, as published by the National Fire Protection Association, is hereby adopted and designated as the Electric Code of the City of Cottonwood Shores and is made a part hereof, as amended.
  - 1.1. One (1) copy of the 2008 edition of the National Electric Code is incorporated herein by reference and shall be filed in the City Hall for permanent record and inspection.
  - 1.2. Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such Code shall be fully applicable and binding. In the event a conflict is determined to exist between said National Electric Code as adopted and the other provisions of this Ordinance, the latter provisions shall be construed as controlling and taking precedence over the former.
  - 1.3. The Building Official shall have the duty and is hereby authorized, empowered and directed to regulate and determine the placing of electric wires or other appliances for electric lights, heat or power in the City and to cause all such wires, appliances or apparatus to be placed, constructed and guarded as not to cause fires or accidents, endangering life or property and to be constructed as to keep to a minimum the loss or waste of electric current.
  - 1.4. It shall be the duty of the Building Official to enforce all provisions of this article and he is hereby granted the authority to enter all buildings in the City in the performance of his duties between the hours of 8:00 a.m. and 5:00 p.m. daily, except that in emergency and within the limits of reason, the Building Official may enter buildings for such purposes at other than the designated hours.
  - 1.5. It shall be the duty of the Building Official to inspect and test all electrical work and equipment or apparatus for compliance with the Code. Whenever electric wiring, appliances or apparatus shall be defective or hazardous through improper manufacture or improper or insufficient insulation or for any other reason, he shall at once cause the removal of such defect, at the expense of the owners of such wiring, appliance or apparatus.

2. **Permits:** No installation, alteration or removal shall be made in or of the wiring of any building or structure for light, heat or power or to increase the load of energy carried by such wires or equipment. No building or structure shall be wired for electric lights, appliances, motors, apparatus or heating devices nor alterations made thereto without a written permit therefore being first obtained from the City license issuing clerk by the person having direct charge of such installation.
3. **Inspection:** Upon the completion of the wiring, installation or alteration of any building or structure for light, heat, power, appliance or apparatus, it shall be the duty of the person having direct charge of such to notify the Code enforcement officer who shall, as early as possible, inspect such wiring, installation, appliance and apparatus. If installed, altered and constructed in compliance with the permit and in accordance with the requirements of this article, he shall execute a certificate of satisfactory inspection which shall contain the date of such inspection and the result of his examination. No such certificate shall be issued unless such electric wiring, motors, heating devices, appliances and apparatus be in strict accord with the rules and requirements and the spirit of this article, nor shall current be turned on such installation, equipment, appliance, motors, heating device and apparatus until such certificate is issued. The amount of fee or charge to be made for such inspection and certificate shall be fixed and determined by Ordinance of the City Council from time to time.
4. **Standards:** All electrical construction, materials, appliances, motors, heating devices and apparatus used in connection with electrical work and the operation of all electrical apparatus within the City shall conform to the rules and requirements of the National Electrical Code current when work is performed or equipment and apparatus installed; however, necessity, good service and results often require larger sizes of wire, more branch circuits and better types of equipment than the minimum which is specified in the National Electrical Code. Therefore, the Code enforcement officer will have the responsibility and authority for making interpretations of the rules, for deciding upon the approval of equipment, materials, construction and for granting the special permission contemplated in a number of the rules and the Code enforcement officer, where necessary, shall follow the Code procedure for securing official interpretations of the Code.
5. **License requirements:** It shall be unlawful for any person, firm, or corporation to make any installation, alteration, repair, replacement, or remodel of any electrical system regulated by this Code without having registered a valid Texas Master Electrical License. The supervising master or journeyman electrician shall be on the job site at all times while electrical work is being performed. The ratio of helpers, apprentice electricians, or otherwise unlicensed electricians shall not exceed three unlicensed electricians to one supervising master or journeyman electrician. A master electrician shall only register his license with one electrical company within the town.
6. **Exception:** *Any residential property owner who, at his legal residence, desires to make any installation, alteration, repair, replacement, or remodel of any electrical system regulated by this Code shall be exempt from paying a registration fee but will have to obtain an electrical permit. For this section, legal residence shall be defined as a property for which a property owner can show proof of a homestead exemption.*
7. **License exemption:** Any individual desiring to perform his electrical work personally shall not be required to make the required bond or to obtain the required license but shall be required to obtain the regular permit for that particular job. Such work done by an individual must be done by him personally on his own particular job and not be a way of performing a service to the public generally.

**ARTICLE III – Adoption of the International Plumbing Code:**

- 1.1. **Adoption:** The International Plumbing Code, 2006 Edition, as published by the International Code Council, is hereby adopted, and designated as the plumbing Code of the City of Cottonwood Shores, and is made a part hereof, as amended.
  - 1.2. One (1) copy of the International plumbing Code, 2006 Edition is incorporated herein by reference and shall be filed in City Hall for permanent record and inspection.
  - 1.3. Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such Code shall be fully applicable and binding. In the event a conflict is determined to exist between said International Plumbing Code as adopted and the other provisions of this Ordinance, the latter provisions shall be construed as controlling and taking precedence over the former.
2. **Amendments -- The following sections are hereby revised:**
- 2.1. Section 101.1. Insert: City of Cottonwood Shores.
  - 2.2. Section 106.6.2. Insert: Code of Ordinances 7-19.
  - 2.3. Section 106.6.3. Insert: 50 % in both locations.
  - 2.4. Section 108.4. Insert: Misdemeanor, \$2000.00, 0 (zero) days.
  - 2.5. Section 108.5. Insert: Not less than 1 No more than \$2000.00.
  - 2.6. Section 305.6.1. Insert: 12 inches in both.
  - 2.7. Section 904.1. Insert: 6 inches.
3. **Fees:** The permit and inspections fees under the Standard Plumbing Code shall be as determined by Ordinance of the City Council from time to time.
4. **Cross-connection control program:**
- 4.1. **General --** No water service connection shall be made to any establishment where a potential or actual contamination hazard exists unless the water supply is protected in accordance with the Texas Commission on Environmental Quality for Public Water Systems (T.C.E.Q. Rules) and this article. The City may discontinue water service if a required backflow prevention assembly is not installed, maintained and tested in accordance with the T.C.E.Q. Rules and this article.
5. **Backflow prevention assembly installation, testing and maintenance:**
- 5.1. All backflow prevention assemblies shall be tested upon installations by a recognized backflow prevention assembly tester and certified to be operation within specifications. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester.
  - 5.2. All backflow prevention assemblies shall be installed and tested in accordance with the manufacturer's instructions, and American Water Works Association's Recommended Practice for Backflow Prevention

and Cross-Connection Control (Manual-M14) or the University of Southern California Manual of Cross-Connection Control.

- 5.3. Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Original forms of such test, repairs, and overhaul shall be kept and submitted to the City within five (5) working days for the test, repair or overhaul of each backflow prevention assembly.
- 5.4. No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the City. Whenever the existing assembly or device is moved from the present location or cannot be repaired, the backflow assembly or device shall be replaced with a backflow prevention assembly or device that complies with this section. The American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual--M14), current addition, University of Southern California Manual of Cross-Connection Control, current addition, or the current plumbing Code of the City, whichever is more stringent.
- 5.5. Test gauges used for backflow prevention assembly testing shall be calibrated at least annually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual--M14), current addition, or the University of Southern California Manual of Cross-Connection Control, current addition. The original calibration form must be submitted to the City within (5) working days after calibration.
- 5.6. A recognized backflow prevention assembly tester must hold a current endorsement from the Texas Natural Resource Conversation Commission.

**6. Customer service inspections:**

- 6.1. A customer service inspection shall be completed prior to providing continuous water service to all new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.
- 6.2. Only individuals with the following credentials shall be recognized as capable of conduction a customer service inspection.
  - 6.2.1. Plumbing inspectors and water supply protection specialists that have been licensed by the Texas State Board of Plumbing Examiners.
  - 6.2.2. Certified waterworks operators, and members of other water related professionals groups who have completed a training course, passed an examination administered by the commission or its designated agent, and hold a current endorsement issued by the commission.
- 6.3. The customer service inspection must certify that:
  - 6.3.1. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly.

- 6.3.2. No cross-connection between the public water supply and a private water source exists. Where an actual properly installed air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by recognized backflow prevention assembly tester.
- 6.3.3. No connection exists which allows water to be returned to the public drinking water supply.
- 6.3.4. No pipe or pipe fitting which contains more than eight (8) percent lead may be used for the installation or repair of plumbing at any connection that provides water for human use.
- 6.3.5. No solder or flux contains more than 0.2 percent lead can be used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one (1) lead test shall be performed for each inspection.

- 7. **Repeal:** Ordinances that are in conflict with the provisions of this article be, and the same are hereby repealed and all other Ordinances of the City not in conflict with the provisions of this article shall remain in full force and effect.
- 8. **Enforcement:** See SECTION III of this Ordinance.

If a person is convicted of three (3) or more distinct violations of the article, the City shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, as provided elsewhere in this Code, and any other costs incurred by the City in discontinuing service.

- 9. **License and registration required:** It shall be unlawful for any person, firm, or corporation to make any installation, alteration, repair, replacement, or remodel of any plumbing system regulated by this Code without having registered a valid Texas Master Plumber's License, or other applicable license.

**ARTICLE IV – Adoption of the International Mechanical Code:** (State Law references: Air Conditioning Contractor License Law, Vernon's Ann. Civ. St. art. 8861.)

- 1. **Adoption:** The International Mechanical Code, 2006 Edition, including Appendix A and B as published by the International Code Council, is hereby adopted, and designated as the mechanical Code of the City of Cottonwood Shores, and is made a part hereof, as amended.
  - 1.1. One (1) copy International Mechanical Code, 2006 Edition is incorporated herein by reference and shall be filed in City Hall for permanent record and inspection.
  - 1.2. Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such Code shall be fully applicable and binding. In the event a conflict is determined to exist between said International Mechanical Code as adopted and the other provisions of this Ordinance, the latter provisions shall be construed as controlling and taking precedence over the former.
- 2. **Fees:** The permit and inspection fees under the Standard Mechanical Code shall be as determined by Ordinance of the City Council from time to time.
- 3. **Amendments to the Mechanical Code -- the following sections are hereby revised:**

- 3.1. Section 101.1. Insert: City of Cottonwood Shores.
- 3.2. Section 106.5.2. Insert: Code of Ordinances 7-19.
- 3.3. Section 106.5.3. Insert: 50% in both locations.
- 3.4. Section 108.4. Insert: Misdemeanor, \$2,000.00, 0(zero) days.
- 3.5. Section 108.5. Insert: \$2,000.00 in both locations.
- 4. **License and registration required:** It shall be unlawful for any person, firm, or corporation to make or perform any installation, alteration, repair, replacement, or remodel of any mechanical system regulated by this Code without having registered a valid Texas Mechanical License.

**ARTICLE V – Adoption of the International Energy Conservation Code:**

- 1. **Adoption:** The International Energy Conservation Code, 2006 Edition, as published by the International Code Council, is hereby adopted, and designated as the energy Code of the City of Cottonwood Shores, and is made a part hereof, as amended.
  - 1.1. One (1) copy of the 2006 edition of the International Energy Conservation Code is incorporated herein by reference and shall be filed in City Hall for permanent record and inspection.
  - 1.2. Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such Code shall be fully applicable and binding. In the event a conflict is determined to exist between said International Energy Conservation Code as adopted and the other provisions of this Ordinance, the latter provisions shall be construed as controlling and taking precedence over the former.
  - 1.3. **Amendments -- the following section is hereby revised:**
    - 1.3.1. Section 101.1. Insert City of Cottonwood Shores.
    - 1.3.2. Article XII Fuel Gas Code
    - 1.3.3. Section 7-321 Adopted.
- 2. **Adoption:** The International Fuel Gas Code, 2006 Edition, including Appendix A through D as published by the International Code Council, is hereby adopted, and designated as the fuel gas Code of the City of Cottonwood Shores, and is made a part hereof, as amended.
  - 2.1. One (1) copy of the 2006 edition of the International Fuel Gas Code is incorporated herein by reference and shall be filed in City Hall for permanent record and inspection.
  - 2.2. Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such Code shall be fully applicable and binding. In the event a conflict is determined to exist between said International Fuel Gas Code as adopted and the other provisions of this Ordinance, the latter provisions shall be construed as controlling and taking precedence over the former.
  - 2.3. **Amendments -- The following sections are hereby revised:**



- 2.3.1. Section 101.1 -- Insert: City of Cottonwood Shores.
- 2.3.2. Section 106.5.2 -- Insert: Code of Ordinances 7-19
- 2.3.3. Section 106.5.3 – Insert: 50 % in both locations.
- 2.3.4. Section 108.4 -- Insert: Misdemeanor, \$2000.00, 0 (zero) days.
- 2.3.5. Section 108.5 -- Insert: Not less than 1 No more than \$2000.00.
- 2.3.6. Sec.7-323-7-330: Reserved.

**ARTICLE VI – Adoption of the International Fire Code:**

- 1. The International Fire Code, 2006 Edition, as published by the International Code Council, is hereby adopted, and designated as the Fire Code of the City of Cottonwood Shores, and is made a part hereof, as amended.
  - 1.1. One (1) copy of the 2006 edition of the International Fire Code is incorporated herein by reference and shall be filed in City Hall for permanent record and inspection.
  - 1.2. Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such Code shall be fully applicable and binding. In the event a conflict is determined to exist between said International Fire Code as adopted and the other provisions of this Ordinance, the latter provisions shall be construed as controlling and taking precedence over the former.
  - 1.3. The International Fire Code, 2006 Edition including Appendices A—G, save and except such portions as are deleted, modified or amended by this article, is hereby adopted as the Code of the City of Cottonwood Shores for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Cottonwood Shores and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such

**2. Amendments; limits -- That the following sections are hereby revised:**

2.1. Section 102.6.1 is added to read as follows: “Section 102.6.1 Other Codes: When the International Building and Fire Codes do not contain requirements on a particular aspect of a means of egress, system design or installation, hazardous occupancy or life safety in general, the most current applicable N.F.P.A. Code or standard shall apply. N.F.P.A. 101 Life Safety Code, as published by the National Fire Protection Association, shall be accepted as an engineering practice standard for Building and/or Fire Code applications and regulations of new and existing buildings for construction, remodels, alterations and fire Code inspections and maintenance. Where there is conflict between the 2006 International Building, Fire and N.F.P.A. Codes, the most restrictive provision shall apply.”

2.2. Section 102.1; add #5:

- 2.3. **102.1 Construction and design provisions** -- The provisions of this Code apply to buildings built under the IRC and IBC.
- 2.4. **Section 102.4; change to read as follows:** “**102.4 Application of other Codes.** The design and construction of new structures shall comply with this Code, and other Codes as applicable, and any alterations, additions, changes in use or changes in structures required by this Code, which are within the scope of this and other Codes shall be made in accordance therewith.”
- 2.5. **Section 104.1.2 is added to read as follows:** “**Section 104.1.2. Fire Marshal authority, disconnection of utilities and evacuation:** The Fire Marshal shall have the powers of a police officer in performing the duties under this Code and is authorized to issue citations for offenses and to pursue other legal remedies allowed by Law. Citations may be issued for any violation of this Code, or any other Code, policy or standard, over which the Fire Marshal has jurisdiction. Citations for any violation may be issued to the owner, lessee, manager, person in control of the property, and / or any other individual who is responsible for the violation or the property on which a violation occurs. The specific intent of this Code is to place the obligation of complying with its requirements upon the owner or occupier of premises, buildings or structures within its scope. No provision or term used in this Code is intended to impose any duty whatsoever upon the City or any of its officers or employees, for whom the implementation or enforcement of this Code shall be discretionary, not mandatory. Nothing contained in this Ordinance is intended to, nor shall be construed to, create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of the owner or occupier of premises, buildings or structures to comply with this Code, or for any injury or damage caused by any act or omission on the part of the City by its officers, employees or agents in the course of implementing or enforcing this Code.”
- 2.6. **Section 104.1.2.1.** The Fire Marshal may order an operation or use stopped, or the evacuation of any area, premises, building or vehicle or portion thereof, which contains or is a fire hazard or when it is deemed necessary in the interest of public safety or the safety of emergency responders. It shall be unlawful for any person to refuse to evacuate upon such order or to resist or obstruct the evacuation of another person. The Fire Marshal or designee shall further have the authority to order the disconnection of utilities to a building or portion thereof to alleviate an immediate and imminent threat to life or property that is occurring in violation of the Codes or to alleviate a fire or life safety hazard that causes an immediate threat to a building or a person. It is unlawful for any person to resist, interfere with or refuse to comply with an order issued under this section.
- 2.7. **Add Section 104.6.2.1 to read as follows:** “**104.6.2.1 Re-inspection fees:** A fee established by Ordinance may be collected for any re-inspection in excess of two to enforce or ensure compliance with a provision of this chapter. The fee must be paid within 30 days or prior to any further inspections being conducted at the site.”
- 2.8. **Add Section 104.7.3 to read as follows:** “**104.7.3 Third Party Plans Review:** The Fire Code Official may require any plans submitted to be reviewed by an outside professional engineer or appropriate specialist when, in the opinion of the Code authority, there exists special technical knowledge to conduct a satisfactory review of the plans and such special knowledge is not available among the fire department staff. Fees associated with outside plan reviews are the sole responsibility of the submitting party. The person or firm conducting the plan review must be an unbiased third party who meets the approval of the submitting party and the City of Cottonwood Shores.”

- 2.9. Section 106.2; add Sections 106.2.1, 106.2.2 and 106.2.3 as follows:** “**106.2.1 Inspection requests.** It shall be the duty of the permit holder or their duly authorized agent to notify the Fire Code Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Code.”
- 2.10.106.2.2 Approval required:** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Fire Code Official. The Fire Code Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Fire Code Official.
- 2.11.106.2.3 Re-inspections:** The Fire Marshal or their designated representative shall inspect all buildings, premises, or portions thereof as often as may be necessary. The Fire Marshal or their designated representative should have reasonable suspicion with demonstrable evidence that a violation has occurred after the passage of this Ordinance. An initial inspection and two re-inspections shall be made free of charge. If the Fire Marshal or his designee is required to make follow-up inspections after the initial inspection and two re-inspections to determine whether a violation or violations observed during the previous inspection have been corrected, a fee shall be charged. The occupant, lessee, or person making use of the building or premises shall pay said fee or fees within 30 days of being billed as a condition to continued Lawful occupancy of the building or premises.
- 2.12. Add Section 106.2.4 to read as follows:** “**Section 106.2.4 Investigation fee:** An investigation shall be made whenever any work for which a permit is required by this Code has commenced without first obtaining a permit. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code nor from any penalty prescribed by Law. The investigation fee shall be double the amount of the permit fee required by this Code not to exceed \$2,000.00.”
- 2.13. Section 109.3; change to read as follows:** “**109.3 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, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this Code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$2,000.00 dollars Each day that a violation continues after due notice has been served shall be deemed a separate offense.”
- 2.14. Section 111.4; change to read as follows:** “**111.4 Failure to comply:** Any person who shall continue any work 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 more than \$2,000.00 dollars.”
- 2.15. Section 503.2.1; change to read as follows:** “**503.2.1 Dimensions:** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm). Appendix section D105 shall apply to all facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access.

- 2.16. Exception:** *Vertical clearance may be reduced; provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved.*
- 2.17. Section 503.2.2; change to read as follows:** **“503.2.2 Authority:** The Fire Code Official shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations.”
- 2.18. Section 503.3; change to read as follows:** **“503.3 Marking:** Striping, signs, or other markings, when approved by the Code official, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary, to provide adequate visibility.
- 2.18.1. Striping –** Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6”) in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” shall appear in four inch (4”) white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.
- 2.18.2. Signs –** Signs shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be 12” wide and 18” high. Signs shall be painted on a white background with letters and borders in red, using not less than 2” lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6’6”) above finished grade. Signs shall be spaced not more than fifty feet (50’) apart. Signs may be installed on permanent buildings or walls or as approved by the Fire Code Official.”
- 2.19. Section 505.1; replace to read as follows:** **“505.1 Address numbers.** Approved numerals of a minimum 6” height and of a color contrasting with the background designating the address shall be placed on all new and existing buildings or structures in a position as to be plainly visible and legible from the street or road fronting the property and from all rear alleyways / access.
- 2.19.1.** Address numbers shall be Arabic numerals or alphabet letters. The minimum stroke width shall be 0.5 inches.
- 2.19.2. Exception:** *R-3 Single Family occupancies shall have approved numerals of a minimum 5 inches in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.”*
- 2.20. Section 807.4.3.2 and Section 807.4.4.2; add an exception to read as follows:** **“Exception:** *Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.”*
- 2.21. Section 902.1, (I.F.C.) Definitions, Fire Area change to read as follows:** **“Fire area.** The aggregate floor area of a building regardless of the installation of fire walls, fire barriers, fire partitions, or demising walls. For the purpose of calculating fire sprinkler requirements the total building will be considered one structure. Buildings must be separated by at least twenty (20) feet to be considered separate buildings.”
- 2.22. Section 907.2.3; change to read as follows:** **“907.2.3 Group E:** A manual fire alarm system shall be installed in Group E educational occupancies. When automatic sprinkler systems or smoke detectors are

installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system and fire alarm system shall be installed in all new and existing Group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.”

**2.23. Section 907.2.3; change exception #1 and add exception #1.1 to read as follows:** “Group E educational and day care occupancies with an occupant load of less than 50 when provided with an approved automatic sprinkler system.

**2.23.1.** Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.)

**2.23.2.** That the limits referred to in certain sections of the 2006 International Fire Code is hereby established as follows:

**2.24.** Section 3204.3.1.1 (limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): Corporate limits or such greater area as shall be authorized by State Law.

**2.25.** Section 3404.2.9.5.2 (limits in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited): Corporate limits or such greater area as shall be authorized by State Law.

**2.26.** Section 3406.2.4.4 (limits in which the storage of Class I and Class II liquids in aboveground tanks is prohibited): Corporate limits or such greater area as shall be authorized by State Law.

**2.27.** Section 3804.2 (limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): Corporate limits or such greater area as shall be authorized by State Law.

**3. Enforcement:** See SECTION III of this Ordinance.

The Code adopted in this article shall be enforced by the Fire Marshal or their duly authorized representative.

**4. Permits:** The Fire Marshal, the Fire Chief and the Building Official shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the Code adopted in this article. The Fire Marshal shall post such list in a conspicuous place, and distribute copies thereof to interested persons.

**ARTICLE VII – Adoption of the International Property Maintenance Code:**

**1. Adoption:** An ordinance of the City of Cottonwood Shores, Texas adopting the 2006 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Cottonwood Shores; providing for the issuance of permits and collection of fees therefor; amending Ordinance No. 3001 of the City of Cottonwood Shores and all other ordinances and

parts of the ordinances in conflict therewith. The **City Council** of the **City of Cottonwood Shores** does ordain as follows:

- 1.1. That a certain document, three (3) copies of which are on file in the office of the City Secretary of **City of Cottonwood Shores**, being marked and designated as the *International Property Maintenance Code*, 2006 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the **City of Cottonwood Shores**, in the State of **Texas** for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the **City of Cottonwood Shores** are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.
- 1.2. **Amendments** -- The following sections are hereby revised:
  - 1.2.1. Section 101.1. Insert: **City of Cottonwood Shores, Texas**
  - 1.2.2. Section 103.5. Insert: The fees for activities and services performed by the Building Official shall be determined by the City Council from time to time.
  - 1.2.3. Section 302.4. Insert: **12 inches**
  - 1.2.4. Section 304.14. Insert: March 1 to October 31
  - 1.2.5. Section 602.3. Insert: November 1 to February 28
  - 1.2.6. Section 602.4. Insert: November 1 to February 28
  - 1.2.7. **Section 3.** That Ordinance No. 3001 of **City of Cottonwood Shores** entitled **2006 International Codes** is hereby amended.
  - 1.2.8. **Section 4.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby 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.
  - 1.2.9. **Section 5.** That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

- 1.2.10. **Section 6.** That the **City Secretary** is hereby ordered and directed to cause this ordinance to be published. (An additional provision may be required to direct the number of times the ordinance is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)
- 1.2.11. **Section 7.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **immediately** from and after the date of its final passage and adoption.
- 1.2.12 **Section 8. Prosecution of violation.** Pursuant to Section 106.3 of the International Property Maintenance Code: Any person failing to comply with a notice of violation or order served in accordance with Section 107 of this Code commits a City Ordinance Violation punishable pursuant to Section III, Ordinance 3001, of the City of Cottonwood Shores, Texas.

**2.0. Enforcement. See Section III of this Ordinance**

The Code adopted in this Article shall be enforced by a Peace Officer, the Code Enforcement Officer, Building Official or their duly authorized representative.

**ARTICLE VIII – Adoption of the International Existing Building Code:**

1. **Adoption:** An ordinance of the **City of Cottonwood Shores, Texas** adopting the 2006 edition of the International Existing Building Code, regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, in the **City of Cottonwood Shores**; providing for the issuance of permits and collection of fees therefor; amending Ordinance No. 3001 of the **City of Cottonwood Shores** and all other ordinances and parts of the ordinances in conflict therewith. The **City Council** of the **City of Cottonwood Shores** does ordain as follows:

1.1. That a certain document, three (3) copies of which are on file in the office of the City Secretary of the **City of Cottonwood Shores**, being marked and designated as the *International Existing Building Code*, 2006 edition, including Appendix Chapters **A and B** (see *International Existing Building Code* Section 101.7. 2006 edition), as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the **City of Cottonwood Shores**, in the State of **Texas** for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code on file in the office of the **City of Cottonwood Shores** are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

1.2. **Amendments:** The following sections are hereby revised:

1.2.1. Section 101.1 Insert: **City of Cottonwood Shores, Texas**

1.2.2. Section 1301.2 Insert: **August 18, 1987**

- 1.2.3. Section 3.** That Ordinance No. 3001 of City of Cottonwood Shores entitled 2006 International Codes is hereby amended.
- 1.2.4. Section 4.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby 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.
- 1.2.5. Section 5.** That nothing in this ordinance or in the Existing Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.
- 1.2.6. Section 6.** That the City Secretary is hereby ordered and directed to cause this ordinance to be published.
- 1.2.7. Section 7.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from and after the date of its final passage and adoption.

**SECTION III – ENFORCEMENT:** This ordinance shall be enforced by all Law Enforcement Officers, Code Enforcement Officer, Building Official or their duly authorized representative of the City of Cottonwood Shores.

Any individual who fails to comply with any provision of this Ordinance commits an offense punishable as a City Ordinance violation.

An offense under this section shall be filed with the Municipal Court of Cottonwood Shores by complaint or citation issued by any peace officer of the State of Texas and is punishable by the assessment of a fine not to exceed two thousand dollars (\$2,000.00) or as otherwise punishable by State law. Each day of such violation constitutes a separate offense.

**Section IV – 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, but only to the extent of any such conflict.

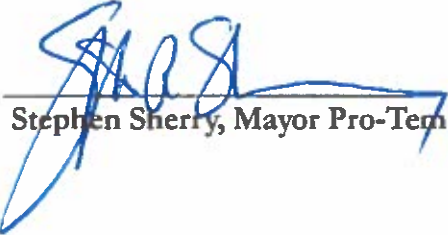
**Section V – PROVIDING FOR SEVERABILITY:** If any provision, section, sentence, clauses or phrase of this Ordinance or application of same to any persons or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Cottonwood Shores in adopting, and the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provisions or regulation.



**Section VI – EFFECTIVE DATE:** This Ordinance shall take effect immediately from and after the passage and publication in the manner set forth with the provisions of the Local Government Code.

**Section VII – 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** by the City Council of Cottonwood Shores, Texas, at a meeting on the 21<sup>st</sup> day of July, 2016 with 4 votes in favor, 0 votes against and 0 abstentions.

  
Stephen Sherry, Mayor Pro-Tem



Attest:

  
Sheila C. Moore, City Secretary