

**ORDINANCE NO. 18-11-01-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING SECTIONS 3.106, 3.107, 3.108 AND 3.109 OF CHAPTER 3 OF THE LAGO VISTA CODE OF ORDINANCES, TO UPDATE VARIOUS STANDARD BUILDING CODES TO A RECENT VERSION; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City of Lago Vista, Texas is a Home Rule City; and

**WHEREAS**, the City Council of the City of Lago Vista has previously established provisions within Chapter 3 of the Lago Vista Code of Ordinances that adopt various specific standard building code editions with amendments, exclusions or clarifications; and

**WHEREAS**, most recently those provisions adopt the 2012 editions of the standard building codes published by the International Code Congress with amendments, exclusions or clarifications; and

**WHEREAS**, updating those same standard building codes to the 2015 editions of those same standard building codes published by the International Code Congress with amendments, exclusions or clarifications will possibly result in more favorable property hazard insurance premiums for our residents and business owners; and

**WHEREAS**, the Building Committee of the City of Lago Vista has undertaken an extensive review of those regulations; and

**WHEREAS**, the Building Committee of the City of Lago Vista has forwarded a recommendation to the City Council to update those standard building codes adopted within the Lago Vista Code of Ordinances as described below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:**

**SECTION 1. FINDINGS.** All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

**SECTION 2. MODIFICATION.** The City Council of the City of Lago Vista, Texas, does hereby amend Chapter 3, Sections 3.106, 3.107, 3.108 and 3.109 of the Code of Ordinances as shown in Exhibit "A."

**SECTION 3. SAVINGS CLAUSE.** All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

**SECTION 4. SEVERABILITY CLAUSE.** If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

EXHIBIT "A"

**CHAPTER 3**

**BUILDING REGULATIONS**

**ARTICLE 3.100 BUILDING CODE**

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**Sec. 3.106 Building Code**

This section contains the building code for the city. The 2015 International Building Code, the 2015 International Residential Code, the 2015 International Fire Code, the 2015 Existing Building Code, and the 2015 International Property Maintenance Code are hereby adopted and made part of this article with the following requirements, amendments, and clarifications:

- (1) Excluded Appendices. All appendices of the above referenced building codes are hereby adopted except for the following which are excluded in their entirety:
  - (A) Appendix A "Employee Qualifications," Appendix B "Board of Appeals," Appendix D "Fire Districts," Appendix H "Signs," Appendix J "Grading," and Appendix K "Administrative Provisions" of the 2015 International Building Code;
  - (B) Appendix L "Permit Fees" of the 2015 International Residential Code; and
  - (C) Appendix A "Board of Appeals" of the 2015 International Fire Code.
- (2) Excluded Provisions. All provisions of the above referenced building codes are hereby adopted except for the following sections of the 2015 International Residential Code which are excluded in their entirety:
  - (A) Section R105.2 Work Exempt from Permit (Chapter 1 Scope and Administration, Section R105 Permits);
  - (B) Section R313.2 One and two family dwelling automatic fire systems (Chapter 3 Building Planning, Section R313 Automatic Fire Sprinkler Systems); and
  - (C) Section P2503.8.2 Testing (Chapter 25 Plumbing Administration; Section P2503 Inspection and Tests).
- (3) Exterior. No building or structure shall be placed or maintained on any lot in the city with outside walls which are not finished with a protected coating or covering sufficient to protect

said building or structure from deterioration and the action of the elements. The exterior of all residential and nonresidential structures shall be as provided elsewhere in Chapter 3 herein.

- (4) Building Materials Construction Equipment. Except during construction, no building materials or construction equipment of any kind shall be placed or stored upon any lot; and then such material shall be placed within the property lines of the lot on which the improvements are to be made unless there is on file in the city office a letter for permission from the adjoining lot owner authorizing temporary use of such lot. Such a letter is also required where an adjoining lot is used for ingress/egress by vehicles and/or equipment.
- (5) Address. All principal buildings shall have address numbers at least four inches (4") tall displayed in a prominent place on the front of such building or on a sign in the building's front yard, and able to be clearly seen from a street adjoining the property on which the building is located to identify the address to police, emergency medical service and firefighting personnel.

### **Sec. 3.107 Plumbing Code**

- (a) This section contains the plumbing code for the city.
  - (1) The purpose and intent of this section is to regulate the construction, erection, and enlargement, alteration or repair of all fittings, fixtures, etc., used for conduction of water and wastewater in, on, or about any premises.
  - (2) The 2015 International Plumbing Code, and the 2015 International Private Sewage Disposal Code, including all appendices, except Appendix A "Plumbing Permit Fee Schedule" of the 2015 International Plumbing Code, are hereby adopted as part of this article, except as amended by this section.
  - (3) All connections to the city's water supply system shall meet the requirements of the city's ordinance for the control of backflow and cross connections, as amended from time to time. Required testing of all systems or devices shall be documented on a form approved by the city.
  - (4) Effective, March 1, 2013, all new structures utilized for human habitation or occupancy that are not utilizing a water well at the time of permitting shall connect to a city water supply if such supply is within 300 feet as measured within street ROW or a utility easement from the water supply to the nearest property line on which the structure is to be located. Afterwards, the use of any other water supply source, except for non-domestic use of harvested rainwater, shall be prohibited for any purpose.
  - (5) Once a structure is occupied for human habitation and is connected to a city water supply, it shall not be disconnected.
- (b) Amendments to the 2015 International Plumbing Code. The following provisions shall be included as cumulative and additional local requirements.
  - (1) All exterior cleanout caps installed at grade in both commercial and residential applications shall be of the threaded type (Chapter 7 Sanitary Drainage, Section 708.1.6 Cleanout plugs).

- (2) Grinder pumps shall be in accordance with the city standard drawings for grinder pumps (Chapter 7 Sanitary Drainage, Section 712.4 Sewage pumps and sewage ejectors).
- (3) Public water supply shall be determined to be available if the city water supply is within 300 feet as measured within a street ROW or a utility easement from the water supply to the nearest property line on which the structure is to be located (Chapter 6 Water Supply and Distribution, Section 602.3 Individual water supply).

**Sec. 3.108 Electrical Code**

This section contains the electrical code for the city.

- (1) The 2014 National Electrical Code (NFPA 70) including all appendices is hereby adopted as part of this article, except as specifically amended or made more stringent by local requirements contained in this section.
- (2) No aluminum wiring shall be used within any structure. Aluminum wire may be used outside a building for service, provided it is one size larger than the required size for copper.
- (3) All wiring and all electrical work within the city shall be performed by a person holding a license issued from the state department of licensing and regulations and shall be registered with the city.

Exception: A homeowner performing electrical work on his residence, and having ownership thereof, and after obtaining a homeowner's permit from the city, and paying all permit fees, may do his own work.

- (4) No wire smaller than #12 copper shall be used.

Exception: #14 copper may be used above the switch leg to feed a maximum of 3 lights.

- (5) A maximum of 12 outlets shall be allowed on a #12 wiring circuit.
- (6) All wiring installed in air-ventilation ducts shall be plenum rated.
- (7) Kitchen islands and peninsulas shall have outlets spaced a maximum of four (4) feet apart measured along the length of the countertop.
- (8) All buildings where wiring is installed shall have an outside main disconnect readily accessible to the fire department. All commercial buildings and multifamily dwellings shall have the building address and suite or apartment number permanently marked on each disconnect.
- (9) All wiring rated at 120 volts or more and all secondary, device-control wiring installed in commercial buildings shall be in conduit. All wiring installed in plenums shall be installed in metallic, flexible metal, or high-density polyethylene conduit.
- (10) Application for Permit. The application for a permit required in this subsection shall describe the work to be done and shall be made in writing by a person holding the proper electrician's

license. The permit when issued shall be issued to such applicant to cover such work as described and detailed. Any changes or additions must be covered by additional permits at the time changes are made. The application shall be accompanied by such 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.

(11) Submitting Plans and Specifications; Criteria for Issuance of Permit.

(A) Plans and Specifications. With each application for an electrical permit, when required by the building official for enforcement of this article, two sets of plans and specifications shall be submitted. The building official may require that such plans and specifications be prepared and designed by and bear the seal of a registered professional electrical engineer licensed by the state to practice as such.

(B) Issuance Criteria.

(i) The application, plans and specifications filed by an applicant for an electrical permit shall be checked by the building official. Such plans may be reviewed by other departments of the city to check compliance with laws and ordinances under their jurisdiction. If the building official or his/her designee is satisfied that the work described in an application for the permit and the plans filed therewith conform to the requirements of this article and other pertinent laws and ordinances, he shall issue a permit therefor to the applicant.

(ii) When the building official or his/her designee issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications, "approved."

(iii) The building official or his/her designee may issue an electrical permit covering part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been made complying with all pertinent requirements of this article. The holder of such permit may proceed without assurance that the permit covering the work in the entire building or structure will be granted.

(12) Issuance and Display of Permit.

(A) Plans, specifications and schedule shall not be submitted and will not be examined under this article, unless the plans, specifications and schedule are submitted by the holder of the proper electrician's license or electrical sign contractor's license. If it is found that the installation as described will in general conform to the requirements of this section and if the applicant has complied with all provisions of this article and all applicable ordinances of the city, a permit for such installation shall be issued.

(B) On all new construction, the permit for electrical work shall be displayed in a readily accessible location, or as directed by the building official, throughout the time such installation, as is covered by the permit, is being installed.

(13) Effect of Issuance and Display of Permit.

- (A) The issuing or granting of an electrical permit or approval of plans and specifications shall not be construed to be a permit for or an approval of any violation of any of the provisions of this article or any other ordinance. No permit presuming to give authority to violate or cancel the provisions of this article shall be valid, except insofar as the work or use which it authorizes is lawful.
- (B) The issuance of a permit based upon plans and specifications shall not prevent the building official from thereafter requiring the correction of errors in plans and specifications or from preventing building operations from being carried on thereunder when in violation of this article or any other ordinance of the city pertaining thereto.
- (14) Lapse of Permit. Every permit issued by the building official under this section shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit or if the building or work authorized by permit is suspended or abandoned at any time after the work is commenced for a period of 60 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work and provided, further, that such suspension or abandonment has not exceeded one year.
- (15) Remedying Dangerous or Unsafe Conditions. Where wires or apparatus are found in a dangerous or unsafe condition or are deemed to be an interference with the work of the fire department, the building official or his/her designee shall notify the person owning, using or operating them to place them in a safe, secure and noninterfering condition. Any person failing, neglecting or refusing within a reasonable time to make the necessary repairs or changes and have the necessary work completed within a reasonable time after the receipt of the notice shall be deemed guilty of violation of this article, and every day which shall elapse after the expiration of the reasonable time until the wires and apparatus are repaired, removed or changed as required by the building official or his/her designee or fire marshal may be considered a separate offense within the intent and meaning of this article.
- (16) Turning Off Current by Fire Chief or Building Official or His/Her Designee. The chief of the fire department or the building official or his/her designee or a competent person delegated by them or either of them shall have the power to at once cause the removal of all wires or the turning off of all electric current where the circuits interfere with the work of the fire department during the progress of a fire. The building official or his/her designee is hereby authorized and empowered to cause the turning off of electric current from all conductors or apparatus which are deemed by him to be an unsafe condition or which have not been installed in conformity with this article.

**Sec. 3.109 Mechanical, Fuel Gas Code, and Energy Efficiency**

- (a) This subsection contains the mechanical code of the city.
- (1) The purpose and intent of this section is to provide certain minimum standards, provisions, and requirements for safe and suitable design, material and methods of installation, construction, alteration, movement, maintenance, or repair of heating, air-conditioning and refrigeration units in the city.

(2) The 2015 International Mechanical Code and all appendices, except Appendix B “Recommended Permit Fee Schedule,” are hereby adopted as part of this section.

(b) This subsection contains the fuel gas code of the city.

(1) The purpose and intent of this section is to provide certain minimum standards, provisions, requirements and methods of fuel and gas infrastructure in the city.

(2) The 2015 International Fuel Gas Code and all appendices are hereby adopted except for the following sections which are excluded in their entirety:

(A) Section 106.5.3 Expiration (Chapter 1 Scope and Administration, Section 106 Permits);

(B) Section 106.5.4 Extensions (Chapter 1 Scope and Administration, Section 106 Permits); and

(C) Section 109 Means of Appeal (Chapter 1 Scope and Administration).

(c) This subsection contains the energy conservation code of the city.

(1) The purpose and intent of this section is to provide certain minimum standards, provisions, requirements and methods to reduce energy consumption in the city.

(2) The 2015 International Energy Conservation Code and all appendices are hereby adopted except for Section R402.4.1.2 Testing (Chapter 4 Residential Energy Efficiency, Section R402 Building Thermal Envelope) which is excluded in its entirety.

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**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

**SECTION 6. OPEN MEETINGS.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**AND, IT IS SO ORDERED.**

**PASSED AND APPROVED** this 1<sup>st</sup> day of November 2018.



  
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Ed Tidwell, Mayor

ATTEST:

  
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Sandra Barton, City Secretary

On a motion by Councilman Williams, seconded by Councilman Sullivan, the above and foregoing ordinance was passed and approved.