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ORDINANCE NO. 2011-04
AMENDMENT TO CHAPTER 18, BUILDING AND BUILDING REGULATIONS
UPDATE AND AMENDMENTS TO VARIOUS BUILDING CODES

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AN ORDINANCE AMENDING THE SEABROOK CITY CODE BY REVISING CHAPTER 18 "BUILDINGS AND BUILDING REGULATIONS", TO PROVIDE FOR REGISTRATION OF ALL CONTRACTORS, TO ADOPT UPDATED VERSIONS OF VARIOUS BUILDING AND TRADE CODES; TO ENUMERATE CITY AMENDMENTS TO SUCH CODES; TO RENUMBER SECTIONS AND SUBSECTIONS AS NECESSARY AND TO PROVIDE FOR OTHER RELATED MISCELLANEOUS AMENDMENTS. THIS ORDINANCES PROVIDES FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDES FOR SEVERABILITY.

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WHEREAS, the City Council of the City of Seabrook is continually reviewing the provisions of the Code of Ordinances relating to the elimination of hazards, nuisances and other circumstances which negatively impact the health, safety and well-being of residents, citizens and inhabitants; and

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WHEREAS, the City Council finds that it is of paramount interest to protect public health, safety, property, and the general welfare of the public by updating its building codes, as referenced hereafter;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

SECTION 1. AMENDMENT TO THE CODE.

The Code of the City of Seabrook, Chapter 18, "Buildings and Building Regulations" is hereby amended as shown on Exhibit A which is attached, made a part of this ordinance, and is incorporated by reference for all purposes.

SECTION 2. PENALTY CLAUSE; INCLUSION INTO THE CODE.

This Ordinance is hereby incorporated into and made a part of the Seabrook City Code. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not more than Two Thousand Dollars (\$2,000.00) per offense. Each day of violation shall constitute a separate offense.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

48 SECTION 5. SEVERABILITY.

49
50 In the event any clause, phrase, provision, sentence, or any part of this Ordinance or the
51 application of the same to any person or circumstances shall for any reason be adjudged invalid
52 or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or
53 invalidate this Ordinance as a whole or any part or provision hereof other than the part declared
54 to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares
55 that it would have passed each and every part of the same notwithstanding the omission of any
56 such part thus declared to be invalid or unconstitutional, whether there be one or more parts.
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59 SECTION 6. NOTICE BY PUBLICATION

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61 The City Secretary shall give notice of the enactment of this Ordinance by promptly
62 publishing it or its descriptive caption and penalty after final passage in the official newspaper of
63 the City; the Ordinance to take effect upon publication.
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66 PASSED AND APPROVED on first reading this 22nd day of March 2011.
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69 PASSED AND APPROVED on second and final reading this 5th day of April, 2011.
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71
72 By: Gary T. Renola
73 Gary T. Renola, Mayor
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75

76 ATTEST:

77
78 By: Michele L. Glaser
79 Michele L. Glaser, TRMC
80 City Secretary
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85 Approved as to form:

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87 By: Steven L. Weathered
88 Steven L. Weathered
89 City Attorney
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1 **Chapter 18 BUILDINGS AND BUILDING REGULATIONS***
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4 ***State law references:** General enforcement authority of municipalities for preservation of
 5 health, property and good government, V.T.C.A., Local Government Code § 54.001 et seq.
 6

7 Article I. In General

8 Secs. 18-1--18-25. Reserved.

9 Article II. Administration

10 Sec. 18-26. Enforcement and remedies.

11 Sec. 18-27. Board of adjustment and appeals.

12 Sec. 18-28. Building permits required.

13 Sec. 18-29. Consolidation of permits.

14 Sec. 18-30. Inspections required.

15 Sec. 18-31. Certificate of occupancy required.

16 Secs. 18-32--18-55. Reserved.

17 Article III. Contractors, Tradesmen, Apprentices

18 Sec. 18-56. Licensee. Registration.

19 Sec. 18-57. Work performed without permit.

20 Secs. 18-58--18-90. Reserved.

21 Article IV. Standards

22 Division 1. Generally

23 Sec. 18-91. Definitions.

24 Sec. 18-92. Conflicts between adopted technical codes.

25 Sec. 18-93. Updating and revisions.

26 Secs. 18-94--18-120. Reserved.

27 Division 2. Construction Standards

28 Sec. 18-121. Building code--Adopted.

29 Sec. 18-122. Same--Amendments.

30 Sec. 18-123. One-family and two-family dwelling code-- Adopted.

31 Sec. 18-124. Construction near transmission pipelines. Same--Amendments.

32 Sec. 18-125. Windstorm standards. Construction near transmission pipelines.

33 Sec. 18-126. Reserved.

34 Sec. 18-127. Regulation of single family and duplex industrialized housing.

35 Secs. 18-128 ~~18-126~~--18-150. Reserved.

36 Division 3. Electrical

37 Subdivision I. Generally

38 ~~Secs. 18-151--18-175. Reserved.~~

39 Subdivision II. Administration and Enforcement

40 ~~Sec. 18-176. Adoption of administrative chapter of building code.~~

41 Sec. 18-151. Electrical code--adopted.

42 Sec. 18-152. Same--Amendments.

43 Sec. 18-153. Special restrictions.

44 ~~Sec. 18-177. Special restrictions.~~

45 ~~Secs. 18-178--18-200. Reserved.~~

46 Subdivision III. Standards and Specifications

47 ~~Sec. 18-201. Electrical code Adopted.~~

48 ~~Sec. 18-202. 18-154. Connections to installations.~~

49 ~~Sec. 18-203. Responsibility for continuing compliance.~~

50 ~~Sec. 18-204. Aluminum wire prohibited.~~

51 ~~Sec. 18-205. Commercial and residential conduit.~~

52 ~~Sec. 18-206. Motor cabinets and equipment.~~

53 ~~Secs. 18-207 18-155--18-235. Reserved.~~

54 Division 4. Gas

55 Sec. 18-236. Gas code--Adopted.

56 Sec. 18-237. Exceptions to the International Residential Code. Same--Amendments.

57 Secs. 18-238--18-265. Reserved.

58 Division 5. Housing

59 Sec. 18-266. Housing code--Adopted.

60 Sec. 18-267. Same--Amendments.

61 Secs. ~~48-267~~ ~~18-268~~--18-295. Reserved.
62 Division 6. Mechanical
63 Sec. 18-296. Mechanical code--Adopted.
64 Sec. 18-297. Same--Amendments.
65 Secs. 18-298--18-325. Reserved.
66 Division 7. Plumbing
67 Sec. 18-326. Plumbing code--Adopted.
68 Sec. 18-327. Same--Amendments.
69 Sec. 18-328. Exceptions to the plumbing code.
70 Division 8. Grease Traps/Separators
71 Sec. 18-328. Purpose and Policy
72 Sec. 18-329. Applicability and Prohibitions
73 Sec. 18-330. Definitions
74 Sec. 18-331. Installation, Sizing and Maintenance Requirements
75 Sec. 18-332. Manifest Requirements.
76 Sec. 18-333. Bioremediation.
77 Sec. 18-334. Compliance and Testing.
78 Sec. 18-335. Prohibited Practices.
79 Sec. 18-336. Compliance Monitoring.
80 Sec. 18-337. Schedule of Penalties.
81 Sec. 18-338. Judicial Enforcement Remedies.
82 Secs. ~~48-329~~ ~~18-328~~ --18-355. Reserved.
83 Division 9. Swimming Pool
84 Sec. 18-356. Swimming pool code--Adopted.
85 Sec. 18-357. Same--Amendments.
86 ~~Secs. 48-358--18-385. Reserved.~~
87 Division 10. Substandard, Unsafe Buildings--Dangerous Buildings Energy Conservation.
88 Sec. 18-358. Energy conservation code --Adopted.
89 Sec. 18-359. Same--Amendments.
90 Division 11. Property Maintenance.
91 Sec. 18-360. Property maintenance code--Adopted
92 Sec. 18-361. Same--Amendments.
93 Sec. 18-362--18-385. Reserved.
94 Division 12. Substandard, Unsafe Buildings--Dangerous Buildings
95 Sec. 18-386. Created, composition--Building and standards commission.
96 Sec. 18-387. Authority and purpose.
97 Sec. 18-388. Minimum building standards adopted--Investigation.
98 Sec. 18-389. Dangerous buildings or structures defined.
99 Sec. 18-390. Declaration of nuisance: conduct prohibited.
100 Sec. 18-391. Commencement of proceedings.
101 Sec. 18-392. Notice of hearing before the building and standards commission.
102 Sec. 18-393. Functions.
103 Sec. 18-394. Standards for repair, vacation or demolition.
104 Sec. 18-395. Building and standards commission hearing--Burden of proof.
105 Sec. 18-396. Procedure after hearing.
106 Sec. 18-397. Enforcement--Expenses.
107 Sec. 18-398. Offenses.
108 Sec. 18-399. Demolition regulations extended to cover site clearance, leveling and grading.
109 Sec. 18-400. Disconnecting public utilities.
110 Sec. 18-401. Building and standards commission; other remedies: chapters 54 and 214, Texas Local Government
111 Code.
112 Sec. 18-402. Appeal to district court under substantial evidence rule; lien priority.
113 ~~Secs. 48-403--18-408. Reserved.~~
114 Division 10. Energy Conservation
115 ~~Sec. 18-409. Energy conservation code adopted.~~
116 Secs. ~~48-410~~ ~~18-403~~ --18-415. Reserved.
117 Article V. Excavations
118 Sec. 18-416. Findings of fact.
119 Sec. 18-417. Statement of legislative intent.
120 Sec. 18-418. Pit excavations generally.
121 Sec. 18-419. Removal of material from existing pits.
122 Secs. 18-420--18-445. Reserved.

123 Article VI. Filling of Land
124 ~~Sec. 18-446. Penalty.~~ **Permit and fee.**
125 ~~Sec. 18-447. Permit and fee.~~ **Penalty.**
126 ~~Sec. 18-448. Specifications.~~ **Preservation of wetlands.**
127 ~~Sec. 18-449. Preservation of wetlands.~~ **Sec. 18-449 Reserved.**
128

129 **ARTICLE I. IN GENERAL**

130 Secs. 18-1--18-25. Reserved.

131

132 **ARTICLE II. ADMINISTRATION**

133

134 **Sec. 18-26. Enforcement and remedies.**

135 (a) *Enforcement.* This chapter shall be administered and enforced by the city building official
136 and city fire marshal or their duly authorized representatives. They may both issue and for
137 good cause revoke permits required by this chapter.

138 (b) *Penalties.* Any person violating any of the provisions of this chapter shall upon conviction
139 thereof be fined to the maximum allowed by law for each offense; each day or part thereof
140 the violations occurs or is permitted to continue shall constitute a separate offense. The
141 second conviction for violation of this chapter shall be conclusive evidence that such
142 contravening use shall be construed as a public nuisance.

143 (c) *Remedies.*

144 (1) For willful and continuous violation of the provisions of this chapter by any person, the
145 board of adjustment shall have the power to revoke and repeal all permits and privileges
146 granted to the person. The revocation of a ~~license~~ **registration** shall require a public
147 hearing by the board of adjustment prior to such action, and an affirmative vote of at least
148 three members of the board shall be required to accomplish such action.

149 (2) If any building or other structure is erected, constructed, reconstructed, altered, repaired,
150 converted or maintained or any building, structure or land is used in violation of this
151 chapter, the city building official or any other appropriate authority or any adjacent or
152 neighboring property owner who would be specially damaged by such violations, in
153 addition to other remedies, may institute injunction, mandamus or other appropriate
154 action or proceeding to prevent such unlawful erection, construction, alteration, repair,
155 conversion, maintenance or use or to correct or abate such violations or to prevent
156 occupancy of such buildings, structures or land.

157 (3) The remedies stated in this section shall be cumulative of any and all other remedies
158 available at law in equity.

159 (d) *Minimum fees.* The minimum fees ~~for all permits~~ issued by the community development
160 department under this chapter, including but not limited to **contractor registration,**
161 building, burning, fill, demolition, electrical, plumbing, gas, development, occupancy,
162 moving, swimming pool, and mechanical permits, shall be as established by separate
163 resolution.

164 (Code 1976, § 5.5-4; Code 1996, § 18-26)

165

166 **Sec. 18-27. Board of adjustment and appeals.**

167 (a) Wherever the various codes adopted in this chapter use the term "board of adjustment and
168 appeals," it shall mean the city board of adjustment created in Charter, section 6.08. The
169 board of adjustment shall hear appeals to the decisions of the building official and may issue
170 variances as limited by the various codes. The board of adjustment shall establish rules and
171 regulations for its own procedures not inconsistent with the provisions of these codes.

172 (b) The board shall meet from time to time as determined by its chairperson. In any event, the
173 board shall meet at its next regularly scheduled time but no less than 15 working days after
174 notice of appeal has been received. Every decision shall be promptly filed in writing in the

175 office of the building official and shall be open to public inspection. A certified copy shall be
176 sent by mail or otherwise to the appellant and a copy shall be kept publicly posted on the
177 public bulletin board at city hall for two weeks after filing. The board may solicit testimony
178 from expert witnesses and from the public at large.

179 (Code 1976, § 5.5-10; Code 1996, § 18-27)

180 **State law references:** Similar provisions, V.T.C.A., Local Government Code § 211.008.

181

182 **Sec. 18-28. Building permits required.**

183 (a) Building trade permits and fees shall be required as adopted in this chapter.

184 (b) Such permits shall be available for inspection at the job site from beginning of construction
185 until final approval by the building official.

186 (c) The building official may adopt such rules for the issuance of emergency permits as he or
187 she deems reasonable.

188 (d) Emergency permits will only be issued for the repair or service of existing systems during
189 times when the building department is not open for business and shall only be available for
190 the restoration or protection of basic services affecting the immediate health, safety or
191 welfare of the public. Such emergency permits must have application made during the first
192 regular business day following the emergency.

193 (Code 1976, § 5.5-7; Code 1996, § 18-28)

194 **State law references:** Time period for issuance or denial of permit by municipality, V.T.C.A.,
195 Local Government Code § 214.904.

196

197 **Sec. 18-29. Consolidation of permits.**

198 Certain permits may be consolidated and issued as a single document, when issued to a single
199 person or to a master mechanic licensed to perform all permitted tasks. The permits may be
200 grouped as follows with each group subject to the minimum permit fee. No other groupings are
201 permitted.

202 *Groups:*

203 (1) Plumbing and gas.

204 (2) Building, fire, life safety, housing.

205 (Code 1976, § 5.5-6; Code 1996, § 18-29)

206

207 **Sec. 18-30. Inspections required.**

208 (a) When any part of an installation is to be hidden from view by the permanent placement of
209 parts of a building, the master contractor, master tradesman or maintenance electrician to
210 whom the permit has been issued shall notify the city building official, providing that when
211 such installation causes the concealment of parts of a system that must, at the discretion of
212 the city building official, necessarily proceed continuously, the master contractor, master
213 tradesman or maintenance electrician to whom the permit has been issued shall give the
214 building official due notice and inspection shall be made periodically during the progress of
215 the work.

216 (b) Where, in the discretion of the city building official, it is necessary, the building official
217 shall post notice upon the premises stating that work is approved and may be covered or is
218 not approved and may not be covered until such further inspection as is necessary has been
219 made. Any person removing, destroying, altering or defacing the notice without the consent

220 of the building official shall be deemed guilty of an offense under this section, and any work
221 described in the notice shall be stayed pending the further necessary inspection.

- 222 (c) Upon the completion of the work which has been authorized by the issuance of a permit, it
223 shall be the duty of the master contractor, master tradesman or maintenance electrician to
224 whom the permit has been issued to immediately notify the building official.
- 225 (d) If the work is found to be in compliance with the provisions of this chapter, the building
226 official, subject to the other applicable provisions of this chapter, shall issue final approval to
227 the appropriate public utility corporation furnishing the service or the person supplying the
228 service, which shall authorize connection of such approved work to the source of the utility,
229 the provision of service and the use of the installation. No connection shall be made until
230 such authorization is issued.

231 (Code 1976, § 5.5-8; Code 1996, § 18-30)

232

233 **Sec. 18-31. Certificate of occupancy required.**

- 234 (a) A certificate of occupancy shall be required as provided in the building code adopted in
235 section 18-121.
- 236 (b) No building or other structure erected, moved or altered in its use shall be used until the
237 building official shall have issued a certificate of occupancy stating that such land or
238 structure or part thereof is found to be in conformity with the provisions of this chapter.
239 Within three working days after the owner or his or her agent has notified the building
240 official that a building or premises or part thereof is ready for occupancy or use, it shall be
241 the duty of the building official to make a final inspection thereof and to issue a certificate of
242 occupancy, if the building or premises is found to conform with the provisions of this chapter
243 and all other applicable statutes and ordinances. If such a certificate is refused, the building
244 official shall state in writing the reason for refusal.

245 (Code 1976, § 5.5-9; Code 1996, § 18-31)

246

247 **Secs. 18-32--18-55. Reserved.**

248

249 **ARTICLE III. CONTRACTORS, TRADESMEN, APPRENTICES**

250

251 **Sec. 18-56. Licenses. Registration.**

252 (a) *Required.*

- 253 (1) All persons performing construction, installation or repair work on buildings, structures,
254 trades systems or any other improvements or demolition shall be ~~licensed~~ **registered** to
255 do so. Homeowners repairing their domiciles are excluded from such requirement.
- 256 ~~(2) Where the state issues a contractor/trade license, the city shall accept such license in lieu~~
257 ~~of a city license.~~
- 258 ~~(3) (2) Building/ Trades~~ permits shall be issued only to ~~licensed contractors or~~ licensed
259 master tradesmen. Such permits shall be issued to an individual only in the trade in which
260 he or she is licensed. Permits shall also be issued to homeowners eligible under this
261 chapter.
- 262 ~~(4) (3) Nothing in this chapter shall be construed or operate to prevent any person from doing~~
263 ~~general construction or trade work in or on the property where he or she resides and~~
264 ~~which he or she maintains as a homestead. Such homeowner shall not be required to be a~~
265 ~~licensed contractor but shall otherwise conform to all other requirements of this chapter.~~

266 ~~In doing electrical, gas, mechanical and plumbing work on his or her property as~~
267 ~~provided in this chapter, such owner shall not use any hired assistants unless such~~
268 ~~assistant is duly licensed under the terms of this chapter. The term "general~~
269 ~~construction or trade work" shall mean the keeping in safe repair of any and all~~
270 ~~plumbing, electrical, mechanical and structural installations. It shall not include the~~
271 ~~moving and relocation of an apparatus, the extension or addition of electrical~~
272 ~~circuits, devices, appliances, equipment, fixtures or modifications to elements of the~~
273 ~~structure.~~

274 (5) ~~Upon the failure of the holder of a contractor's, master tradesman's or maintenance~~
275 ~~electrician's license to secure a permit and to pay the city in full the fees provided for in this~~
276 ~~chapter, the license of such contractor, master tradesman or maintenance electrician so failing~~
277 ~~shall be automatically suspended without action on the part of the board of adjustment and~~
278 ~~shall be of no force and effect. The license shall remain suspended and nullified until such~~
279 ~~time as such permits and fees are paid in full. No license which shall have been suspended~~
280 ~~under the terms of this section for as much as three months' time shall be renewed except~~
281 ~~upon reexamination upon the same terms and conditions as provided for in the case of~~
282 ~~original examination.~~

283 (b) *Insurance.*

- 284 1. All licensed **general** contractors and trade contractors shall maintain liability and
285 accident insurance in the minimum amounts of: **\$300,000.**
286 a. ~~Three hundred thousand dollars liability.~~
287 b. ~~One hundred thousand dollars per accident.~~
288 2. Proof of insurance shall be presented to the building official prior to the issuance of
289 any permit and shall be maintained for the duration of the permit. Copies of the
290 certificates of insurance shall be maintained by the building official for each
291 contractor eligible to draw permits.

292 (Code 1976, § 5.5-11; Code 1996, § 18-56)

293
294 **Sec. 18-57. Work performed without permit.**

295 It shall be unlawful to perform work for which a permit is required under this chapter without
296 first obtaining such permit. Failure to obtain permits prior to commencement of work shall
297 subject the violator to the various penalties prescribed by the individual codes and as prescribed
298 in this chapter.

299 (Code 1976, § 5.5-18; Code 1996, § 18-63)

300
301 **Secs. 18-58--18-90. Reserved.**

302
303 **ARTICLE IV. STANDARDS**

304
305 **DIVISION 1. GENERALLY**

306
307 **Sec. 18-91. Definitions.**

308 The following words, terms and phrases, when used in this chapter and/or the codes adopted
309 by reference in this article, shall have the meanings ascribed to them in this **chapter section**,
310 except where the context clearly indicates a different meaning:

312 *Board of adjustment and appeals* and *construction board of adjustments and appeals* mean the
313 board of adjustment created in Charter, section 6.08.

314

315 *Building official* includes and may be substituted for the term "electrical official," "gas official,"
316 "plumbing official," or "mechanical official" in every case where the city council has either
317 chosen not to specifically appoint such trade official or has failed to do so.

318

319 **General Contractor means an individual or company that is responsible for the day to day**
320 **oversight, and management of vendors and sub-contractors at a construction site. (The**
321 **term shall include, however, and shall not be limited to Home Builders, Remodelers,**
322 **Commercial, Pool, Tree Removal, and Paving Contractors).**

323

324 *Inspector* means the inspector or assistant as designated by the corresponding building official,
325 electrical official, gas official, mechanical official and plumbing official.

326

327 **Licensed master tradesmen means an individual who is licensed as a master tradesmen by**
328 **the State of Texas to perform electrical, mechanical, or plumbing work.**

329

330 *Municipality* means the City of Seabrook, Texas.

331

332 *Trade official* means the electrical official, gas official, plumbing official, or mechanical
333 official.

334

335 **Trade Contractor means an individual or company that is licensed by the state to perform**
336 **work in the areas of electrical, mechanical, lawn irrigation, fire suppression and/or**
337 **plumbing.**

338

339 *Trade official* means the electrical official, gas official, plumbing official, or mechanical
340 official.

341

342 (Code 1976, § 5.5-2; Code 1996, § 18-91)

343

344 **Sec. 18-92. Conflicts between adopted technical codes.**

345

346 The codes and appendices and exceptions as adopted in this article are incorporated by
347 reference in this article and made a part of this article as fully as if copied at length in this article,
348 provided, that if there is a conflict between the provisions of each of the technical codes or other
349 provisions of this Code, the more rigorous or restrictive shall prevail.

349

(Code 1976, §§ 5.5-5, 5.5-51; Code 1996, § 18-92)

350

351 **Sec. 18-93. Updating and revisions.**

352

353 It is the intention of the city council to adopt and maintain codes consistent with the state of
354 the art and consistent with evolving law. Each year, as revisions are made to these codes by the
355 responsible code organization and the code becomes available to the city, the building official,
356 the fire marshal and director of the public utilities shall review the proposed revision for
357 relevance to the city.

357

(Code 1976, § 5.5-3; Code 1996, § 18-93)

358

359

Secs. 18-94--18-120. Reserved.

360

361

DIVISION 2. CONSTRUCTION STANDARDS

362

363

Sec. 18-121. Building code--Adopted.

364

The International Building Code, ~~2003~~ **2009** edition, as published by the International Code Council, is adopted as the building code of the city. A copy of the building code adopted in this section shall be retained on file in the office of the city building official, with the enumerated exceptions and/or deletions.

366

367

(Code 1976, § 5.5-5; Code 1996, § 18-121)

368

State law references: Similar provisions, V.T.C.A., Local Government Code § 214.212.

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371

Sec. 18-122. Same--Amendments.

372

The building code adopted by reference in section 18-121 shall be amended as follows:

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(1) No building of three stories or more above grade, including buildings on piers, nor any building over 40 feet in height above grade, as defined by the building code shall be constructed unless it be fully protected by a code approved fire sprinkler system.
~~sprinklered.~~

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(2) Exception: One-family and two-family detached residential dwellings are not so restricted and fire protection thereof will be controlled by the appropriate sections of the standard codes.

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381

382

(3) Section 101.1 Insert: City of Seabrook.

383

(4) Section 105 Work Exempt from a Permit, Delete: #1, #5, #6, #10, and #12.

384

(5) Section 113 Board of Appeals: Delete.

385

(6) Section 1507.8 – 1507.9.8 Roofing-Wood Shingle and Shake Installation: Delete; to be replaced with the following:

386

387

Wooden, straw and thatch roofs:

388

(a) Wooden roof coverings, including but not limited to wooden shingles and wooden shakes, and roof coverings of thatch and straw are prohibited and shall not be used.

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390

391

(b) Any roof prohibited by subsection (a) of this section but in use on the effective date of the ordinance from which this section derives, may continue to be used.

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394

Any roof of materials prohibited in subsection (a) of this section that is in existence on the effective date of the ordinance from which this section

395

396

derives may be repaired or altered with such materials; provided, such alteration or repair does not exceed 25 percent of the roof area. Alteration or repair of more than 25 percent of the roof area shall require replacement of the entire roof with acceptable materials.

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399

(c) Palapas are exempt from the previous requirements as long as the following requirements are met:

400

401

1. Total area does not exceed 800 square feet.

402 **2. A fire retardant shall be applied to the thatched roofing material that carries**
 403 **an ASTM E-84 Class A Fire Rating with a maximum Flame Spread**
 404 **Classification of 40.**

405 **3. Palapa(s) shall be defined as: An open-sided accessory structure with a**
 406 **thatched roof often made of dried palm leaves.**

407 **(7) Section 1612.3 Insert: City of Seabrook.**

408 **(8) Section 1612.3 Insert: June 18, 2007 (Current FIRM Date).**

409 **(9) Section 3412.2 Insert January 1, 1976 (Adoption Date of First City Building Code).**

410 **(10) Windstorm Standard: All construction within the city, both east and west of Texas**
 411 **Highway 146, shall comply with the wind design standards set forth: (120 MPH (3 Second**
 412 **Gust).**

413 **(11) All structures exceeding one story in height or 300 square feet in area shall be designed**
 414 **by a State of Texas Licensed Engineer.**

415 **(12) Chapter 11 Accessibility: Delete; to be replaced with the following: Buildings and**
 416 **facilities shall be designed and constructed to be accessible in accordance with the Texas**
 417 **Architectural Barriers Act and Texas Civil Statutes Article 9102.**

418 **(13) Appendices, Delete: A, B, C, D, E, F, G, H, I, and J.**

419 (Code 1976, § 5.5-31; Code 1996, § 18-122; Ord. No. 95-27, § I, 10-3-1995)

420
 421 **Sec. 18-123. One-family and two-family dwelling code-- Adopted.**

422 The 2003 2009 edition of the International Residential Code, as set forth in state law as
 423 the statewide municipal residential building code, is hereby adopted as the residential dwelling
 424 code of the city with certain enumerated exceptions in article II, where applicable. A copy of
 425 such code shall be retained on file in the office of the city building official, with the enumerated
 426 exceptions and/or deletions.

427 (Code 1996, § 18-123; Ord. No. 2001-08, § 2, 8-21-2001; Ord. No. 2002-01, § 2, 3-5-2002)

428 **State law references:** The International Residential Code is the statewide municipal
 429 residential building code, V.T.C.A., Local Government Code § 214.212.

430
 431 **Sec. 18-124. Same--Amendments.**

432 **The residential building code adopted by reference in section 18-123 shall be amended**
 433 **as follows:**

434 **(1) Section R101 Insert: City of Seabrook.**

435 **(2) Section R105 Work Exempt from a Permit, Delete: #1, #5, #9, and #10.**

436 **(3) Section R112 Board of Appeals: Delete.**

437 **(4) Table R301.2 Climatic and Geographic Design.**

438 **(a) Ground Snow Load: 0**

439 **(b) Wind Speed (MPH)/ Minimum Exposure: 120 MPH (Three Second**
 440 **Gust)/Exposure C.**

441 **(c) Seismic Design Category: A**

442 **(d) Weathering: Negligible**

443 **(e) Frost Line Depth: 6"**

444 **(f) Termites: Very Heavy**

445 **(g) Winter Design Temperature: 32 Degrees Fahrenheit**

446 **(h) Flood Hazards: Flood Insurance Rate Map (FIRM) Dated June 18, 2007**

447 **(i) Air Freezing Index: 50 Degrees Fahrenheit**

- 448 (j) Mean Annual Temperature: 70 Degrees Fahrenheit
449 (5) Section R313 Automatic Fire Sprinkler System: Delete.
450 (6) Section R907.5 – R907.9.3 Wood Shakes and Shingles: Delete; to be replaced with
451 the following: Wooden, straw and thatch roofs:
452 (a) Wooden roof coverings, including but not limited to wooden shingles and
453 wooden shakes, and roof coverings of thatch and straw are prohibited and shall
454 not be used.
455 (b) Any roof prohibited by subsection (a) of this section but in use on the effective
456 date of the ordinance from which this section derives, may continue to be used.
457 Any roof of materials prohibited in subsection (a) of this section that is in
458 existence on the effective date of the ordinance from which this section
459 derives may be repaired or altered with such materials; provided, such
460 alteration or repair does not exceed 25 percent of the roof area. Alteration or
461 repair of more than 25 percent of the roof area shall require replacement of the
462 entire roof with acceptable materials.
463 (c) Palapas are exempt from the previous requirements as long as the following
464 requirements are met:
465 1. Total area does not exceed 800 square feet.
466 2. A fire retardant shall be applied to the thatched roofing material that carries
467 an ASTM E-84 Class A Fire Rating with a maximum Flame Spread
468 Classification of 40.
469 3. Palapa(s) shall be defined as: An open-sided accessory structure with a
470 thatched roof often made of dried palm leaves.
471 (7) Windstorm Standard: All construction within the city, both east and west of Texas
472 Highway 146, shall comply with the wind design standards set forth: (120 MPH (3
473 Second Gust).
474 (8) All structures exceeding one story in height or 300 square feet in area shall be designed
475 by a State of Texas Licensed Engineer.
476 (9) Section P2603.6.1, Insert: Sewer burial depth minimum 12 inches.
477 (10) Chapters 34 – 43 Residential Electrical Code: Delete.
478 For the purpose of establishing rules and regulations for the construction,
479 alteration, removal, demolition, use, location and maintenance of residential
480 electrical systems and equipment as defined by the code, including permits and
481 penalties, there is here by adopted NFPA 70, National Electrical Code, 2011
482 edition, excluding Article 80, including all appendices, adopted by the National Fire
483 Protection Association. Such code is published in book form and referred to, incorporated
484 in and made part of this section for all purposes.
485 (11) The minimum conductor size of all lighting and power circuits' installation greater
486 than 100 volts shall be no less than 12 AWG.
487 (12) No aluminum conductors shall be used in the city for electrical purposes within any
488 one or two family dwelling.
489 (13) Armored Cable (Type AC) without an individual grounding conductor is prohibited.
490 (14) A means of service disconnect shall be provided at the exterior of all buildings or
491 facilities, directly next to the service meter or entry of the service conductors.
492 (15) Section N1101.9 Energy Code, Delete.
493 (16) Appendices, Adopt: A, B, C, G, J, N, and O.

494 **Sec. 18-124 125. Construction near transmission pipelines.**

495 (a) *Intent.* It is the opinion of the city council that the construction of buildings and habitable
 496 spaces in close proximity to transmission pipelines encourages the citizens to inhabit an
 497 unacceptably high hazard environment. The intent of this section is to prohibit construction
 498 of habitable spaces and all buildings within specified distances from transmission pipelines to
 499 reduce such risk to citizens and to the community at large.

500 (b) *Buildings and occupied space prohibited within easement.* No buildings of any type and no
 501 recreational, entertainment, assembly or mercantile space shall be permitted to occur within a
 502 pipeline easement or within 25 feet of a vertical plane passing through the centerline of any
 503 commercial transmission pipeline.

504 (c) *Construction of buildings to easement.* Buildings and structures may be constructed to but
 505 not encroaching upon pipeline transmission easements under the following conditions:

506 (1) Where natural gas distribution lines supplying natural gas to the immediate
 507 neighborhood occur.

508 (2) Where all water lines, sanitary and storm sewer lines occur.

509 (3) Where access drives and private or public streets cross such easements, they will be
 510 permitted according to the following limitations:

511 a. With permission given by the pipeline owner.

512 b. Access drives and private streets are limited to a maximum of 28 feet of width and
 513 crossings spaced not closer than 60 feet.

514 c. Public streets and roads are limited to a maximum width as recommended by the city
 515 engineer.

516 d. State-owned roads and highways are exempt from limitation.

517 (d) *Identification and location of lines.* It shall be the responsibility of the property owner,
 518 tenant and contractor seeking a permit to identify and locate all such pipelines and pipeline
 519 easements affecting the building or use. Lines and easements shall be identified on the plans,
 520 and the location of the lines shall be determined by a registered surveyor. Documentation
 521 shall be submitted with the permit application.

522 (Code 1976, §§ 22.1-1--22.1-4; Code 1996, § 18-124)

523

524 **Sec. 18-125. ~~Windstorm standards.~~**

525 ~~All construction within the city, both east and west of Texas Highway 146, shall comply~~
 526 ~~with the windstorm speed standards set forth for Inland I area as adopted by the Texas~~
 527 ~~Department of Insurance. In case of conflict, the standard affording the most protection, as~~
 528 ~~determined by the chief building official, shall control.~~

529 ~~(Code 1996, § 18-125; Ord. No. 2001-21, § 2, & 21-2001; Ord. No. 2006-06, § 2, & 2-2006)~~

530 ~~State law references: Similar provisions, V.T.C.A., Insurance Code § 2210.001 et seq.~~

531

532 **Sec. 18-126 ~~18-127.~~ Reserved.**

533

534 **Sec. 18-127. ~~Reserved. Regulation of single family and duplex industrialized housing.~~**

535 ~~(a) Single family or duplex industrialized housing must have the same local permits and~~
 536 ~~licenses that are applicable to other single family or duplex dwellings within the city.~~

537 ~~(b) For purposes of this section, "single family" or "duplex" industrialized housing shall mean~~
 538 ~~real property.~~

539 ~~(c) Any industrialized housing shall:~~

540 ~~(1) Have a value equal to or greater than the median taxable value for each single family~~
541 ~~dwelling (and/or for each duplex dwelling, if applicable) located within 500 feet of the lot upon~~
542 ~~which the industrialized housing is proposed to be located, as determined by the most recent~~
543 ~~certified tax appraisal roll of Harris County;~~

544 ~~(2) Have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with~~
545 ~~the single family dwellings (and/or for each duplex dwelling, if applicable) located within 500~~
546 ~~feet of the lot upon which the industrialized housing is proposed to be located;~~

547 ~~(3) Comply with city aesthetic standards, building setbacks lines, side and rear yard offsets,~~
548 ~~subdivision control, architectural landscaping, square footage, and other site requirements~~
549 ~~applicable to single family dwellings; and~~

550 ~~(4) Be securely fixed to a permanent foundation.~~

551 ~~(d) For purposes of subsection (c) of this section, "value" shall mean the combined taxable~~
552 ~~value of the industrialized housing and lot after installation of such housing.~~

553 ~~(e) Any owner or authorized agent who desires to construct, erect, install, or move any~~
554 ~~industrialized housing into the city shall first make application to the city's building official and~~
555 ~~obtain the required permits. In addition to any other information otherwise required for said~~
556 ~~permits, the application shall:~~

557 ~~(1) Identify each single family dwelling and each duplex dwelling, if applicable, located within~~
558 ~~500 feet of the lot upon which the industrialized housing is to be located, and show the taxable~~
559 ~~value for each such dwelling, as determined by the most recent certified tax appraisal roll of~~
560 ~~Harris County;~~

561 ~~(2) Describe the exterior siding, roofing, roof pitch, foundation fascia, and fenestration for each~~
562 ~~single family dwelling and each duplex dwelling, if applicable, located within 500 feet of the lot~~
563 ~~upon which the industrialized housing is to be located;~~

564 ~~(3) Describe the permanent foundation and method of attachment proposed for such~~
565 ~~industrialized housing;~~

566 ~~(4) State the combined taxable value of the industrialized housing and the lot after installation~~
567 ~~of such industrialized housing; and~~

568 ~~(5) Indicate any deed restrictions otherwise applicable to the real property upon which the~~
569 ~~industrialized housing is to be located.~~

570 ~~(f) A person commits an offense if the person:~~

571 ~~(1) Fails to make an application for permit as required by this section; or~~

572 ~~(2) Constructs, erects, installs, or moves any industrialized housing into the city that does not~~
573 ~~comply with this section.~~

574 ~~(Code 1996, § 18-127; Ord. No. 2004-07, § 2, 3-16-2004)~~

575 ~~State law references: State regulation of industrialized housing and buildings, V.T.C.A.,~~
576 ~~Occupations Code § 1202.001 et seq.~~

577

578 ~~Sec. 18-128 18-126 --18-150. Reserved.~~

579

580 **DIVISION 3. ELECTRICAL**

581

582 **Subdivision I. Generally**

583

584 ~~Sec. 18-151--18-175. Reserved.~~

585

Subdivision II. Administration and Enforcement**Sec. 18-176. Adoption of administrative chapter of building code.**

Chapter 1, Administration, of the building code, as adopted in section 18-121, shall be used as the administrative section of the electrical code and shall be made a part of this division as if written in full in this division.

(Code 1976, § 5.5-41; Code 1996, § 18-176)

Sec. 18-151. Electrical code--Adopted.

For the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, use, location and maintenance of electrical systems and equipment as defined by the code, including permits and penalties, there is hereby adopted NFPA 70, National Electrical Code, 2011 edition, including all appendices, adopted by the National Fire Protection Association, but excluding Article 80. Such code is published in book form and referred to, incorporated in and made part of this section for all purposes. A copy of the electrical code adopted in this section shall be retained on file in the office of the city building official, with the enumerated exceptions and/or deletions.

Sec. 18-152. Same-- Amendments

The electrical code adopted by reference in section 18-151 shall be amended as follows:

- (1) The minimum conductor size of all lighting and power circuit installation greater than 100 volts shall be no less than 12 AWG.
- (2) No aluminum conductors shall be used within the city for electrical purposes.
- (3) Armored Cable (Type AC) without an individual grounding conductor is prohibited.
- (4) A means of service disconnect shall be provided at the exterior of all buildings or facilities, directly next to the service meter or entry of the service conductors.

Sec. 18-177. 18-153 Special restrictions.

~~(a) Electrical work.--~~

~~(1) Definition. The term "electrical work" means the installing, maintaining, altering, repairing or erecting of any electrical wiring, apparatus, devices, appliances, fixtures or equipment for which a permit is required under the terms and provisions of this chapter.~~

~~(2) Restrictions. Except as provided in this section, it shall be unlawful for any person to do electrical work within the city unless such person is a master electrician licensed under the provisions of this chapter or unless such person does such electrical work under the supervision, direction and control of a master electrician under the provisions of this chapter.~~

~~(b) Electrical maintenance work.--~~

~~(1) Definition. The term "electrical maintenance work" means the keeping in safe repair of any and all electrical installations, apparatus and equipment, and the keeping in safe repair or moving and relocating of electrical equipment within a building or in or on the premises where the maintenance electrician, as defined in this chapter, is regularly employed on a permanent basis, for which work a permit is required under the terms and provisions of this chapter, but does not include the installation of new and additional electrical work, electrical equipment or electrical apparatus.~~

~~(2) License required. It shall be unlawful for any person to do any electrical maintenance work, as defined in subsection (b)(1) of this section, within the city, unless such person is a~~

632 ~~maintenance electrician licensed under the provisions of this chapter; however, this subsection~~
633 ~~shall not prohibit a journeyman electrician employed not on a permanent basis, but temporarily,~~
634 ~~from doing such electrical maintenance work under the supervision, direction and control of a~~
635 ~~maintenance electrician licensed under the provisions of this chapter without the journeyman~~
636 ~~electrician's having to obtain a license as a maintenance electrician. If the holder of a~~
637 ~~journeyman's electrician's certificate at any time brings himself or herself within the definition of~~
638 ~~a maintenance electrician by becoming employed on a permanent basis and in general as~~
639 ~~provided for in this chapter, such journeyman electrician shall be required to obtain a license as a~~
640 ~~maintenance electrician, in addition to his or her journeyman electrician's certificate.~~

641 ~~(3) Exception. Nothing in this subsection shall be construed to limit the right of a master~~
642 ~~electrician to perform such electrical maintenance work or to limit such work being performed~~
643 ~~by a journeyman electrician under the supervision, direction or control of a master electrician.~~

644

645 (e) (a) *Franchises.*

646 (1) No person who, or public service company that does not operate under a franchise
647 granted by the city, shall have the right to install any electrical conduit, wires, ducts,
648 poles or equipment of any character for the transmission, distribution or utilization of
649 electrical energy or for the operation of signals or the transmission of intelligence on,
650 over or under the streets in the city, without first obtaining from the city council a
651 franchise right or grant for the particular installation so desired to be made. Any such
652 installation so made under such franchise or grant shall be in strict conformity with all
653 rules and regulations and ordinances of the city.

654 (2) Any installation of duct tube, conduit wire or wires under the public street shall be in
655 accordance with this chapter and other city ordinances covering the use of public
656 places and streets.

657 (d) (b) *Interference with or change of installation.* It shall be unlawful for any person in any
658 manner to interfere with any electrical wiring installed or being installed in or on, within
659 or without any structure or building. If, in the course of erection of a building or
660 structure, the wiring is in such position as to interfere with the erection or completion of
661 the building or structure as called for by the plans, notice shall immediately be given to
662 the person installing the wiring and the needed change shall be made by such person.

663 (Code 1976, § 5.5-42; Code 1996, § 18-177)

664

665 ~~Sec. 18-178-18-200. Reserved.~~

666

667 ~~Subdivision III. Standards and Specifications~~

668

669 ~~Sec. 18-201. Electrical code adopted~~

670 ~~There is adopted by the city, for the purpose of establishing rules and regulations for the~~
671 ~~construction, alteration, removal, and maintenance of electric wiring and apparatus, including~~
672 ~~permits and penalties, that certain electrical code known as the National Electrical Code, the~~
673 ~~most current edition set forth in V.T.C.A., Local Government Code § 214.214(a), published by~~
674 ~~the National Fire Protection Association, and the whole thereof, save and except such portions as~~
675 ~~are deleted, modified, or amended in this division. One copy of such code shall be on file in the~~
676 ~~office of the city building official. Such code is adopted and incorporated as fully as if set out at~~

677 ~~length in this section, and the provisions thereof shall be controlling in the construction,~~
678 ~~alteration, maintenance, or removal of electrical wiring and apparatus within the corporate limits.~~
679 ~~(Code 1976, § 5.5-5; Code 1996, § 18-201; Ord. No. 2002-03, § 2, 3-5-2002)~~

680 ~~State law references: The National Electrical Code is the statewide electrical code, V.T.C.A.,~~
681 ~~Local Government Code § 214.214.~~

682

683 **Sec. 18-202, 154 Connections to installations.**

684 (a) It shall be unlawful for any person to make connection from a source of electrical energy to
685 any electrical wiring, apparatus, device, appliance, fixture and equipment, the installation of
686 which a permit is required, until he or she shall have received, as provided in this chapter,
687 and shall have retained initial files available for inspection, a certificate of approval issued by
688 the city electrical inspector authorizing such connection and the use of such wiring apparatus,
689 devices, appliances, fixtures and equipment.

690 (b) It shall be unlawful for any person to make connection for a source of electrical energy to
691 any electric wiring, apparatus, device, appliance, fixture and equipment which has been
692 disconnected until a certificate of approval has been issued by the city electrical inspector.

693 (c) It shall be unlawful for any person to make connection from any source of electrical energy
694 to any electric wiring, apparatus, device, appliance, fixture or equipment that is capable of
695 establishing electrical potential to the electrical utility service entrance. Generators and other
696 electrical energy devices shall be isolated from the utility service by approved disconnecting
697 devices or procedures.

698 (Code 1976, § 5.5-46; Code 1996, § 18-202)

699

700 **Sec. 18-203. Responsibility for continuing compliance.**

701 ~~After the issuance of the certificate of approval by the electrical inspector, the owner or~~
702 ~~other person in whose name the meter or work is contracted for shall be responsible for all~~
703 ~~defects caused by such owner or other person.~~

704 ~~(Code 1976, § 5.5-47; Code 1996, § 18-203)~~

705

706 **Sec. 18-204. Aluminum wire prohibited.**

707 ~~No aluminum wire shall be used in the city for electrical purposes in residences,~~
708 ~~apartments, commercial or other buildings, and no aluminum wire shall be used for the purpose~~
709 ~~of conducting electricity from a utility company. The only exception shall be as approved by the~~
710 ~~electrical official for temporary service related to construction use only, which will be removed~~
711 ~~when construction is complete as determined by the electrical official.~~

712 ~~(Code 1976, § 5.5-52; Code 1996, § 18-204)~~

713

714 **Sec. 18-205. Commercial and residential conduit.**

715 ~~Wiring in all commercial or combination commercial and residential buildings shall be~~
716 ~~enclosed in rigid conduit. However, if the wiring is within the floodplain, the electrical official~~
717 ~~may approve materials, in his or her judgment, which are equal to this section.~~

718 ~~(Code 1976, § 5.5-53; Code 1996, § 18-205)~~

719

720 **Sec. 18-206. Meter cabinets and equipment.**

721 ~~(a) The meter cabinets and electrical metering equipment through which service is rendered by~~
722 ~~the electric public service company to domestic establishments and buildings combining~~

723 ~~domestic establishments with commercial or industrial usage shall be installed where readily~~
724 ~~accessible on the exterior of the building. Fireproof meter cabinets or meter sockets shall be~~
725 ~~approved by the electric public service company and installed by the master electrician~~
726 ~~performing the work. Such meter cabinets shall be located so the center of the meter dial shall be~~
727 ~~not less than five feet or more than six feet above mean ground level, and shall be readily~~
728 ~~accessible to the electric public service company to service.~~

729 ~~(b) However, if wiring is within the floodplain, the inspector may adjust heights of electrical~~
730 ~~meters, outlets, breakers and any other electrical device deemed necessary to conform to flood~~
731 ~~control as determined by the electrical official.~~

732 ~~(c) On apartment buildings where space limitations will not permit placing all meters at the~~
733 ~~same height, they may be arranged in two tiers, with the openings for the meter dials in the lower~~
734 ~~tier as near as practicable to five feet above mean ground level and the second tier placed as near~~
735 ~~as practicable above the first. Where space limitations will not permit placing of meter cabinets~~
736 ~~as outlined in this subsection, the electric public service company, subject to the approval of the~~
737 ~~electrical official, may determine the arrangement to be used.~~

738 ~~(d) All service outlets shall be located so as to permit placing the electric public service~~
739 ~~company's service wires on the wall of the building next to the supply.~~

740 ~~(e) The electric public service company shall not require the placing of meters on the front of~~
741 ~~the building or street side of the building without the written consent of the owners. Where it is~~
742 ~~not practical, as determined by the electrical inspector, to place the metering devices on the~~
743 ~~exterior of the building, the location shall be at a point convenient to the electric public service~~
744 ~~company.~~

745 ~~(Code 1976, § 5.5-54; Code 1996, § 18-206; Ord. No. 96-11, 7-2-1996)~~

746
747 **Secs. 18-207 155–18-235. Reserved.**

748
749 **DIVISION 4. GAS**

750
751 **Sec. 18-236. Gas code Adopted.**

752 The International Fuel Gas Code, 2003 2009 edition, as published by the International Code
753 Council, is adopted as the gas code of the city. A copy of the gas code adopted in this section
754 shall be retained on file in the office of the city building official, with the enumerated exceptions
755 and/or deletions.

756 (Code 1976, § 5.5-5; Code 1996, § 18-236)

757
758 **Sec. 18-237. ~~Exceptions to the international residential code.~~**

759 ~~The following exception is made to the International Residential Code, 2003 Edition:~~
760 ~~Chapter 24 entitled "Fuel Gas" is amended to provide that the use of concealed couplings is~~
761 ~~prohibited.~~

762 ~~(Code 1996, § 18-329; Ord. No. 2004-03, § 2, 3-2-2004)~~

763
764
765 **Sec. 18-237. Same—Amendments**

766 **The fuel gas code adopted by reference in section 18-236 shall be amended as follows:**

767 **(1) Section 101.1 Insert: City of Seabrook.**

768 **(2) Section 106.6.2 Fee Schedule, Delete.**

- 769 (3) Section 106.6.3 Fee Refunds, Delete.
 770 (4) Section 108.4 Violation Penalties, Insert: To be determined by municipal court.
 771 (5) Section 108.5 Stop Work Orders, Insert: To be determined by municipal court.
 772 (6) Section 109 Board of Appeals, Delete.
 773 (7) Appendices, Adopt: A, B, C, and D.

774
 775 Secs. 18-238--18-265. Reserved.
 776

777 **DIVISION 5. HOUSING**
 778

779 **Sec. 18-266. Housing code Adopted.**

780 The International Residential ~~Existing Building~~ Code for One and Two Family Dwellings,
 781 2003-2009 edition, as published by the International Code Council, is adopted as the housing
 782 code of the city. A copy of this code shall be retained on file in the office of the city building
 783 official, with the enumerated exceptions and/or deletions.

784 (Code 1976, § 5.5-5; Code 1996, § 18-266)
 785

786 ~~Editor's note: The Standard Housing Code, as published by the Southern Building Code~~
 787 ~~Congress International, Inc., was discontinued in the year 2000. The International Code Council~~
 788 ~~later published the International Residential Code for One and Two Family Dwellings, 2000~~
 789 ~~edition, as its successor. It contains the minimum standards for the occupancy and rehabilitation~~
 790 ~~of buildings.~~
 791

792 **Sec. 18-267. Same – Amendments.**

793 **The housing code adopted by reference in section 18-266 shall be amended as follows:**

- 794 (1) Section 101.1 Insert: City of Seabrook.
 795 (2) Section 105.2 Work Exempt from a Permit, Delete: #1.
 796 (3) Section 1301.2 Insert: January 1, 1976.
 797 (4) Appendices, Delete: A.
 798

799 Secs. 18-267 ~~268~~–18-295. Reserved.
 800

801 **DIVISION 6. MECHANICAL**
 802

803 **Sec. 18-296. Mechanical code--Adopted.**

804 The International Mechanical Code, 2003 2009 edition, as published by the International
 805 Code Council, is adopted as the mechanical code of the city. A copy of the mechanical code
 806 adopted in this section shall be retained on file in the office of the city building official, with the
 807 enumerated exceptions and/or deletions.

808 (Code 1976, § 5.5-5; Code 1996, § 18-296)
 809

810 **Sec. 18-297. Same--Amendments.**

811 ~~Appendix B of the mechanical code adopted in section 18-296 is amended as follows:~~
 812 ~~The fees for any permit shall be as established by separate resolution.~~

813 **The mechanical code adopted by reference in section 18-296 shall be amended as**
 814 **follows:**

815 **(1) Section 101.1 Insert: City of Seabrook.**

816 **(2) Section 106.5.2 Fee Schedule: Delete.**

817 **(3) Section 106.5.3 Fee Refund: Delete.**

818 **(4) Section 108.4 Violation Penalties, Insert: To be determined by municipal court.**

819 **(5) Section 108.5 Stop Work Orders, Insert: To be determined by municipal court.**

820 **(6) Section 109 Board of Appeals: Delete.**

821 **(7) Appendices, Adopt: A.**

822 (Code 1976, § 5.5-121; Code 1996, § 18-297)

823

824 **Secs. 18-298--18-325. Reserved.**

825

826 **DIVISION 7. PLUMBING**

827

828 **Sec. 18-326. Plumbing code--Adopted.**

829 The International Plumbing Code, 2003 2009 edition, as published by the International Code
830 Council, is adopted as the plumbing code of the city. A copy of the plumbing code adopted in
831 this section shall be retained on file in the office of the city building official, with the enumerated
832 exceptions and/or deletions.

833 (Code 1976, § 5.5-5; Code 1996, § 18-326)

834

835 **Sec. 18-327. Same--Amendments.**

836

837 ~~(a) *Definitions.* The following words, terms and phrases, when used in this division, shall have~~
838 ~~the meanings ascribed to them in this section, except where the context clearly indicates a~~
839 ~~different meaning:~~

840 ~~*Cross connection and back siphonage control board* means the board of adjustment~~
841 ~~created in Charter, section 6.08.~~

842 ~~*Plumbing department* means the building department.~~

843 ~~*Plumbing official* means the building official.~~

844 ~~(b) *Potable water contamination.* When appeals from decisions are presented to the board of~~
845 ~~adjustment that involve cross connection and back siphonage control, the director of public~~
846 ~~utilities and the health officer or their representatives shall be present at the hearing.~~

847 ~~(c) *Storm sewer and drainage contamination.* If the state regulations governing private~~
848 ~~sewage disposal systems are in conflict with the provisions of appendix E, "Private Sewage~~
849 ~~Disposal," the more restrictive provisions shall prevail.~~

850 ~~(d) *Interceptors and backwater valves.*~~

851 ~~(1) *Interceptors and separators; when required:*~~

852 ~~a. *Grease traps.* Wastes from the kitchen sinks and/or dishwashers in any hotel, restaurant,~~
853 ~~clubhouse, boardinghouse, public institution, hospital or similar place shall discharge into an~~
854 ~~approved type grease trap of adequate size before entering the sanitary drain or sewer. The~~
855 ~~grease trap shall be properly vented, and if more than four feet horizontally or 30 inches~~
856 ~~vertically from the outlet of the fixture it serves, then the fixture shall have a separate trap and~~
857 ~~vent. No food grinders or garbage disposals shall discharge into a grease trap. The grease-~~
858 ~~retaining capacity of each grease trap, in pounds of grease, shall be equal to twice the rate of~~
859 ~~flow capacity in gallons per minute of wastewater, so that the trap shall remove and retain 90~~
860 ~~percent of the grease discharged into it up to its required capacity of accumulated grease. For~~
861 ~~calculating the required sizes of grease traps, the rate of discharge, from each fixture connected~~
862 ~~to the trap shall be based upon the rates shown in the following table.~~

863

864
865

TABLE INSET:

Type of fixture		Rate of flow in GPM
Sinks		
—	Single compartment sink with 1 1/2" waste	15
—	Double compartment sink with 1 1/2" waste	20
—	Triple compartment sink with 1 1/2" waste	25
Dishwashers		
—	Up to 30 gal. water capacity	15
—	Up to 50 gal. water capacity	25
—	Up to 100 gal. water capacity	40
Floor drain, each		5

866

~~Manufactured grease traps shall be selected to fit the flow rate requirements of the connected fixture from the manufacturer's rating schedule. Concrete grease traps shall be sized as follows: Minimum size up to seven gpm: 18 inches by 18 inches by 24 inches deep. For each additional gpm flow rate, size shall be increased by one cubic foot.~~

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~~b. *Interceptor.* All wastewater from abattoirs, poultry dressing plants and fish and/or seafood markets, when such water is used in connection with killing, dressing, cleaning, washing or handling of such animals, poultry or seafood, shall discharge into a trough not less than four inches deep and six inches wide. This trough shall discharge with a properly trapped and vented catchbasin not less than 24 inches by 24 inches by 30 inches with tightfitting solid cover and frame. (See plumbing inspector for minimum size.) In fish or seafood market, the catchbasin shall have a two-inch vent extending through the roof independently of any other vent.~~

~~c. *Commercial laundries.* Commercial laundry wastes shall be equipped with an interceptor having a removable wire basket or similar device that will prevent strings, rags, buttons, or other material detrimental to the public sewer system from passing into the system. Basket or device shall prevent passage into the drainage system of solid one-half inch or larger. The basket or device shall be removable for cleaning. The drain from the interceptor shall discharge into a properly vented "P" trap or catchbasin. Overall commercial laundry waste shall be considered industrial waste and shall conform to chapter 95, article IV.~~

~~d. *Washateria waste.* Waste from washing machines in a washateria shall discharge into a trough at least four inches deep and six inches wide or into a system of copper or cast iron standpipes and drainpipes. The drain shall then discharge into an interceptor as described in subsection (d)(1) of this section.~~

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~~(2) *Catchbasin sizes:*~~

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TABLE INSET:

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Number of washing	—
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machines—	
0-24—	24" x 34" x 48" deep—
24-30—	30" x 30" x 48" deep—
30-60—	36" x 36" x 48" deep—

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Other interceptors and/or separators shall be used when, in the judgment of the plumbing inspector, they are necessary for the proper handling of liquid borne wastes containing elements harmful to the building drainage systems, the public sewer, the sewage treatment plant or any of its processes.

~~(3) Residential units.~~ A grease interceptor is not required for individual dwelling units or private living quarters.

~~(4) Venting interceptors.~~ Interceptors shall be so designed that they will not become air bound if closed covers are used. Each interceptor shall be properly vented.

~~(5) Accessibility of interceptor.~~ Each interceptor shall be so installed as to provide ready accessibility to the cover and means for servicing.

~~(6) Backwater valves.~~

~~a. Fixture branches.~~ Backwater valves shall be installed in the branch of the building drain which receives only the discharge from fixtures located within such branch and below grade and shall be so constructed as to ensure a mechanical seal against backflow. All bearing parts shall be of bronze or other corrosion resistant material.

~~b. Diameter.~~ Backwater valves, when fully opened, shall have a capacity not less than that of the pipes in which they are installed.

~~c. Location.~~ Backwater valves shall be so installed as to provide ready accessibility to their working parts.

The plumbing code adopted by reference in section 18-326 shall be amended as follows:

(1) Section 101.1, Insert: City of Seabrook.

(2) Section 106.6.2 Fee Schedule: Delete.

(3) Section 106.6.3 Fee Refunds: Delete.

(4) Section 108.4 Violation Penalties, Insert: To be determined by municipal court.

(5) Section 108.5 Stop Work Orders, Insert: To be determined by municipal court.

(6) Section 109 Board of Appeals: Delete.

(7) Section 305.6.1 Sewer Depth: Building sewers that connect to a private sewage disposal system shall be a minimum of six (6) inches below finished grade at the point of connection. Building sewers shall be a minimum of twelve (12) inches below grade.

(8) Section 904.1 Roof Extension: All open vent pipes that extend through a roof shall be terminated at least six (6) inches above the roof, except that where the roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven (7) feet above the roof.

(9) "Water Pipe and Fitting Materials" is amended to provide that copper tubing must be a minimum of Type L.

(10) When using PVC material; drain, waste, vent, and sewer pipe shall be a minimum of Schedule 40. (The use of SDR 35 piping is prohibited)

(11) Appendices, Adopt: B, C, D, E, F, and G.

(12) ~~(e)~~ Individual water supplies. No well shall be drilled or dug without Harris County Subsidence District approval and the expressed permission of City Council.

937 (1)(a) *Location of wells.* While the determination of a safe distance between groundwater
938 supplies and a possible source of contamination is dependent on many factors, to
939 safeguard a well from possible sources of contamination such as stock and poultry
940 yards, privies, septic tanks, absorption fields, etc., it is recommended that the well be
941 located at least 150 feet from such sources of contamination. If local conditions will
942 not permit a distance of 150 feet between the well and the entire septic tank system,
943 the watertight septic tank should be installed at least 50 feet from the well, and an
944 effluent line of tight joints should be laid so that no part of the open jointed absorption
945 field will be located within 150 feet of the well. It is also recommended that the well
946 be located so that flooding and the entrances of surface water are prevented. For
947 existing wells located less than 150 feet from possible sources of contamination, the
948 construction of diversion ditches or levees between the well and potential source of
949 contamination might be considered. Water-producing formations located less than
950 ten feet from the original ground surface should be considered potentially unsafe and
951 should not be utilized as a domestic water supply. Deeper wells drawing water from
952 rock formations, such as limestone, that are creviced or channeled should also be
953 regarded with suspicion until several analyses have demonstrated that the water is
954 free from contamination. Even then, occasional analyses should be made, because
955 polluted water may travel long distances through crevices or underground channels
956 without being purified.

957 (2) (b) *Well construction.*

958 a. 1. *Dug well.* The shallow dug well constructed with hand tools is only deep enough
959 to reach shallow groundwater. This type of well generally furnishes comparatively
960 little water, and it is difficult to maintain so as to ensure a clear and safe water
961 supply. To be protected from surface contamination, a dug well must be provided
962 with a watertight casing and a concrete cover. The casing or curbing for dug
963 wells is usually constructed of stone, brick, tile or metal. No matter what the
964 choice of materials may be, it is recommended that the upper ten feet of the
965 casing or curbing be enclosed with reinforced concrete six inches in thickness. A
966 sanitary pump should be installed to draw the water, and surface drainage should
967 be such that surface waters are diverted from the well. ~~Figure 1 which is on file in~~
968 ~~the building official's office illustrates a properly constructed dug well.~~

969 b. 2. *Drilled well.* Drilled wells are deep enough to reach a more plentiful and more
970 reliable water supply. A casing of steel or other approved material should be
971 placed in a drilled well to prevent caving of the formations penetrated and also to
972 ensure protection of the water supply from contamination by water from shallow
973 strata. To secure maximum protection against possible contamination, the well
974 should be cased from the top of the water-producing formation to at least 18
975 inches above the elevation of the concrete surface slab or finished floor of the
976 well house. The casing should also extend at least one inch above the top of the
977 foundation upon which the pump or motor is mounted. It is also desirable to have
978 the well casing pressure cemented from the top of the water formation to the
979 earth's surface; at least, a mixture of watertight concrete should be placed
980 around the upper ten feet of the casing, or deeper if necessary to exclude water
981 from shallow formations. The drilled well should also be provided with a cover
982 sloped away from the casing.

983 c. 3. *Permit and licensed sanitarian required.* No water well of any type shall be
984 installed without the expressed permission of the city council. Any application to
985 the city council for a water well shall be accompanied by an analysis and a
986 system design developed by a state licensed sanitarian. The well must be drilled
987 by a licensed contractor to produce potable water. The well must be certified

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potable by the sanitarian and the certificate and substantiating laboratory tests must be submitted to the city prior to the use of the well for any purpose. Failure to produce potable water shall require reworking the well until potable water can be consistently demonstrated or the well must be abandoned and plugged with at least six feet of concrete. In no case shall the well be used to inject any substance into the ground. The foregoing restrictions may be waived by city council for the purpose of heat exchange systems using groundwater heating or cooling when the system meets minimum standards of other governmental agencies and when the system is designed by a qualified state professional engineer.

d. **(4)**. *Limitation on distance from city main.* No water well shall be installed for the production of potable water when the property served lies within 500 feet of any suitable city water supply. Suitability of the city water supply shall be determined by the city engineer.

(13)(a) *Individual sanitary treatment systems.* No individual sanitary treatment systems shall be installed except as permitted herein.

(4) (a) *Sanitary treatment system certification and design.* All individual sanitary treatment system designs shall be certified by a state licensed sanitarian, and for any system to be used for other than one single-family detached residence the system shall be designed by and carry the seal of a state licensed professional engineer. The foregoing does not preclude the installation of factory-produced package units however, such units shall be certified as meeting minimum regulatory standards by the licensed sanitarian or professional engineer.

(2)(b) *Permit required.* No individual sanitary treatment system shall be installed without a permit from the state department of health. No individual sanitary treatment system shall be installed without first obtaining permits from such other agencies as may have jurisdiction.

(3)(c) *Limitation on distance from city main.* No individual sanitary treatment system shall be installed when the property served lies within 500 feet of any suitable city sanitary sewer main. Suitability of the city main will be determined by the city engineer.

~~**(g)** *Fees.* The appendix of the Standard Plumbing Code is amended as follows: The fees for any permit shall be as established by separate resolution; except that when a consolidation of permits is approved, the minimum fee shall be applicable to the consolidated permit rather than to the individual component permits.~~

TABLE A. FLOW VELOCITIES

TABLE-INSET:

Diameter of Pipe (inches)	1/16 inch fall/ft. (fps)	1/8 inch fall/ft. (fps)	1/4 inch fall/ft. (fps)	1/2 inch fall/ft. (fps)
1 1/4	—	—	1.61	2.28
1 1/2	—	1.24	1.76	2.45
2	1.02	1.44	2.03	2.88
2 1/2	1.14	1.61	2.28	3.23
3	1.24	1.76	2.49	3.53

4	1.44	2.03	2.88	4.07
5	1.61	2.28	4.23	4.56
6	1.76	2.49	3.53	5.00
8	2.03	2.88	4.07	5.75
10	2.28	3.23	4.56	6.44

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Note ~~Table A gives approximate flow velocity of sewage for given slopes and pipe diameters.~~

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~~(h) Water conservation. The following maximum flow rates and/or water usage standards shall apply for fixtures in any new building or structure or portions thereof, and additions to existing buildings that provide facilities or shelter for public assembly, education, business, mercantile, institutional, residential occupancy, also hotels, motels, condominiums, day care centers, nursing homes and apartments.~~

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~~(1) Tank type toilets, no more than 1 1/2 gallons/flush.~~

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~~(2) Flush valve toilets, no more than 3.0 gallons/flush.~~

1037

~~(3) Tank type urinals, no more than 1 1/2 gallons/flush.~~

1038

~~(4) Flush type urinals, no more than 1.0 gallons/flush.~~

1039

~~(5) Shower heads, no more than 3.0 gallons/minute.~~

1040

~~(6) Lavatory and kitchen faucets, no more than 2.75 gallons/minute.~~

1041

~~(7) Swimming pools, new pools must have recirculating filtration equipment.~~

1042

~~(8) Provided, however, the above standards shall not apply to hospitals, laboratories, and any other application where health and safety are dependent on particular flow rates. The building official shall determine whether application requires exception from these standards.~~

1043

~~(9) Retrofitting, replacement or repair of plumbing fixtures shall conform to the above standards when the mechanical characteristic of the remaining plumbing system permits such change.~~

1044

~~(i) Backflow prevention.~~

1045

~~(1) Establishments handling, using or selling potentially hazardous materials such as insecticides, fertilizers, paints, raw chemicals, photochemicals, fuels, lubricants, cleaning fluids and similar hazardous materials or performing activities producing hazardous or toxic waste such as veterinary medicine or care, photo-processing, beauty salons, repair and service facilities of many kinds and other similar facilities where processes or services produce potentially toxic waste, a double check valve device shall not be used. Instead an approved backflow prevention device shall be used.~~

1046

~~(2) All other water services shall be protected with a backflow preventer, reduced pressure type device or a system of devices as approved by the building official.~~

1047

~~(Code 1976, § 5.5 141; Code 1996, § 18 327; Ord. No. 96 22, § 1, 12 3 1996)~~

1048

~~Sec. 18 328. Exceptions to the plumbing code.~~

1049

~~The following exceptions are made to the plumbing code adopted under section 18 326:~~

1050

~~(1) "Water Pipe and Fitting Materials" is amended to provide that copper tubing must be a minimum of Type L.~~

1051

~~(2) "Limitations of Use of Materials" is amended to provide that the use of foam core or cellular core is prohibited.~~

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1065 (~~Code 1996, § 18-328; Ord. No. 2004-04, § 2, 3-2-2004~~)

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1067 **DIVISION 8 GREASE TRAP/SEPARATORS**

1068

1069 **Sec. 18-328. Purpose and Policy**

1070 **This Division sets forth uniform requirements for users of the Publicly Owned**
1071 **Treatment Works to capture and dispose of fats, oil and grease (FOG) and enables the City**
1072 **to comply with all applicable state and federal laws, including the Clean Water Act, 33**
1073 **U.S.C., § 1251, et seq.; and the General Pretreatment Regulations, Title 40 C.F.R. Part 403.**
1074 **The objectives of this ordinance are:**

1075

1076 **(1) To prevent the introduction of fats, oils and greases (FOG) into the Publicly Owned**
1077 **Treatment Works that will interfere with its operation;**

1078

1079 **(2) To prevent the introduction of FOG into the publicly owned Treatment**
1080 **Works that could pass through the Publicly Owned Treatment Works, inadequately**
1081 **treated, into receiving waters, or otherwise be incompatible with the Publicly Owned**
1082 **Treatment Works;**

1083

1084 **(3) To prevent sanitary sewer overflow (SSO), where sewer water flows out of a manhole**
1085 **cover and along the ground. These overflows can then contaminate the ground, local**
1086 **water bodies and any property that the sewerage comes into contact with.**

1087

1088 **(4) To promote reuse and recycling of waste grease (FOG);**

1089

1090 **(5) To enable the City to comply with Federal, State and local Pollutant Discharge limits.**

1091

1092

1093 **Section 18-329. Applicability and Prohibitions**

1094

1095 **(a) This ordinance shall apply to all non-domestic users of the Publicly Owned Treatment**
1096 **Works (POTW), as defined in Section II of this Ordinance.**

1097

1098 **(b) Grease interceptors shall not be required for residential users.**

1099

1100 **(c) The ordinance shall apply to both new existing facilities generating fats, oils, or greases**
1101 **as a result of food manufacturing, processing, preparation, or food service. Such**
1102 **facility users shall install, use, and maintain appropriate grease interceptors as**
1103 **required in Section III of this ordinance. These facilities include but are not limited to**
1104 **restaurants, food manufacturers, food processors, hospitals, hotels and motels, prisons,**
1105 **nursing homes, and any other facility preparing, serving, or otherwise making any**
1106 **foodstuff available for consumption.**

1107

1108 **(d) No user may intentionally or unintentionally allow the direct or indirect discharge of**
1109 **any fats, oils, or greases of animal or vegetable origin into the POTW system in such**

1110 amounts as to cause interference with the collection and treatment system, or as to
1111 cause pollutants to pass through the treatment works into the environment.
1112

1113 **Section 18-330 . Definitions**

1114 The following words, terms and phrases, when used in this chapter and/or the codes
1115 adopted by reference in this article, shall have the meanings ascribed to them in this
1116 Division except where the context clearly indicates a different meaning:
1117

1118 *Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as
1119 amended, 33 U.S.C. 1251, et. seq.
1120

1121 *BOD* means the value of the 5-day test for Biochemical Oxygen Demand, as described in
1122 the latest edition of "Standard Methods for the Examination of Water & Wastewater."
1123

1124 *COD* means the value of the test for Chemical Oxygen Demand, as described in the latest
1125 edition of "Standard Methods for the Examination of Water & Wastewater."
1126

1127 *EPA* means the United States Environmental Protection Agency.
1128

1129 *Fats, oils, and greases (FOG)* means the organic polar compounds derived from animal
1130 and/or plant sources that contain multiple carbon chain triglyceride molecules. These
1131 substances are detectable and measurable using analytical test procedures established in 40
1132 CFR 136, as may be amended from time to time. All are sometimes referred to herein as
1133 "grease" or "greases."
1134

1135 *Generator* means any person who owns or operates a grease trap/grease interceptor, or
1136 whose act or process produces a grease trap waste.
1137

1138 *Grease interceptor* means an appurtenance or appliance that is installed in a sanitary
1139 drainage system to intercept non- petroleum fats, oils and grease (FOG) from a
1140 wastewater. There are two types of Grease interceptors, Gravity Grease Interceptors and
1141 Hydromechanical Grease Interceptors
1142

1143 *Grease Interceptor, Gravity/ Gravity Grease Interceptor* means a plumbing appurtenance or
1144 appliance that is installed in a sanitary drainage system to intercept non-petroleum fats,
1145 oils, and greases (FOG) from a wastewater discharge and is identified by volume, 30-
1146 minute retention time, baffle(s), a minimum of two compartments, a minimum total
1147 volume of 300 gallons, and gravity separation. These interceptors are designed by a
1148 registered professional engineer. Gravity Grease Interceptors are generally installed
1149 outside.
1150

1151 *Grease Interceptor, Hydromechanical/Hydromechanical Grease Interceptor* means a
1152 plumbing appurtenance or appliance that is installed in a sanitary drainage system to
1153 intercept nonpetroleum fats, oils, and grease (FOG) from a wastewater discharge and is
1154 identified by flow rate, and separation and retention efficiency. The design incorporates air

1155 entrainment, hydro mechanical separation, interior baffling, and/or barriers in
1156 combination or separately, and an External flow control, with air intake (vent).

1157

1158 *Grease Removal Device (GRD)* means any hydromechanical grease interceptor that
1159 automatically, mechanically removes non-petroleum fats, oils and grease (FOG) from the
1160 interceptor, the control of which are either automatic or manually initiated.

1161

1162 *Grease Waste* means material collected in and from a grease interceptor in the sanitary
1163 sewer service line of a commercial, institutional, or industrial food service or processing
1164 establishment, including the solids resulting from de-watering processes.

1165

1166 *FOG Disposal System* means a grease interceptor that reduces nonpetroleum fats, oils, and
1167 grease (FOG) in effluent by separation, and mass and volume reduction.

1168

1169 *Indirect Discharge or Discharge* means the introduction of pollutants into a POTW from
1170 any non-domestic source.

1171

1172 *Interference* means a discharge which alone or in conjunction with a discharge or
1173 discharges from other sources inhibits or disrupts the POTW, its treatment processes or
1174 operations or its sludge processes, use or disposal, or is a cause of a violation of the city's
1175 TPDES permit.

1176

1177 *pH* means the measure of the relative acidity or alkalinity of water and is defined as the
1178 negative logarithm (base 10) of the hydrogen ion concentration.

1179

1180 *POTW or Publicly Owned Treatment Works* means a treatment works which is owned by a
1181 state or municipality as defined by section 502(4) of the Clean Water Act. This definition
1182 includes any devices and systems used in the storage, treatment, recycling and reclamation
1183 of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes
1184 and other conveyances that convey wastewater to a POTW Treatment Plant. The term also
1185 means the municipality as defined in section 502(4) of the Act, which has jurisdiction over
1186 the indirect discharges to and the discharges from such a treatment works. For purposes of
1187 this ordinance, the terms "sanitary sewer system" and "POTW" may be used
1188 interchangeably.

1189

1190 *Transporter* means a person who is registered with and authorized by the TCEQ to
1191 transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste,
1192 grit trap waste, or grease trap waste in accordance with current regulations.

1193

1194 *TSS* means the value of the test for Total Suspended Solids, as described in the latest
1195 edition of "Standard Methods for the Examination of Water & Wastewater."

1196

1197 *User* means any person, including those located outside the jurisdictional limits of the city,
1198 who contributes, causes or permits the contribution or discharge of wastewater into the
1199 POTW, including persons who contribute such wastewater from mobile sources.

1200

1201 **Section 18-331. Installation, Sizing and Maintenance Requirements**

1202

1203 **(a) Sizing and Design**

1204

1205 **All grease traps and separators shall be designed by a State of Texas licensed**
1206 **mechanical engineer. The drawings shall include all calculations and shall be signed**
1207 **and sealed by the engineer.**

1208

1209 **(b) Installations**

1210 **(1) New Facilities. Food processing or food service facilities which are newly proposed**
1211 **or constructed, or existing facilities which will be expanded or renovated to include**
1212 **a food service facility, where such facility did not previously exist, shall be required**
1213 **to design, install, operate and maintain a grease interceptor in accordance with**
1214 **locally adopted plumbing codes or other applicable ordinances. Grease interceptors**
1215 **shall be installed and inspected prior to issuance of a certificate of occupancy.**

1216

1217 **(2) Existing Facilities. Existing grease interceptors must be operated and maintained in**
1218 **accordance with the manufacturer's recommendations and in accordance with these**
1219 **Model Standards, unless specified in writing and approved by the POTW.**

1220

1221 **(3) All grease interceptor waste shall be properly disposed of at a facility in accordance**
1222 **with federal, state, or local regulation.**

1223

1224 **(c) Cleaning and Maintenance:**

1225 **(1) Grease interceptors shall be maintained in an efficient operating condition at all**
1226 **times so as not to allow anything other than domestic wastewater into the City**
1227 **collection system.**

1228

1229 **(2) Each grease interceptor when cleaned shall be fully evacuated.**

1230

1231 **(d) Self-Cleaning; Hydro-mechanical Grease interceptors only.**

1232

1233 **(1) Grease interceptor self-cleaning operators must receive approval from the POTW to**
1234 **remove grease from their own grease hydro-mechanical grease interceptors. The**
1235 **following conditions shall apply:**

1236

a. the grease interceptor is no more than 100 GPM size.

1237

b. proper on-site material disposal methods are implemented (e.g. absorb liquid
1238 **into solid form and dispose into trash);**

1239

c. the local solid waste authority allows such practices;

1240

d. grease waste is placed in a leak proof, sealable container(s) located on the
1241 **premises and in an area for the transporter to pump-out; and**

1242

e. detailed records on these activities are maintained.

1243

(2) Grease interceptor self-cleaning operators must submit a completed self-cleaning
1244 **request to the POTW for approval. The written request shall include the following**
1245 **information:**

1246

a. Business name and street address;

- 1247 b. Grease interceptor operator name, title, and phone number;
1248 c. Description of maintenance frequency, method of disposal, method of cleaning
1249 and size (in gallons) of the grease interceptor; and
1250 d. Signed statement that the operator will maintain records of waste disposal and
1251 produce them for compliance inspections.
1252

1253 (3) Self-cleaners must adhere to all the requirements; procedures and detailed record
1254 keeping outlined in their approved application, to ensure compliance with this
1255 ordinance. A maintenance log shall be kept by self-cleaning operators that indicates,
1256 at a minimum, the following information:
1257

- 1258 a. Date the grease trap/interceptor was serviced;
1259 b. Name of the person or company servicing the grease trap/interceptor;
1260 c. Waste disposal method used;
1261 d. Gallons of grease removed and disposed of;
1262 e. Waste oil added to grease interceptor waste; and
1263 f. Signature of the operator after each cleaning that certifies that all grease was
1264 removed, disposed of properly, grease trap/interceptor was thoroughly
1265 cleaned, and that all parts were replaced and in operable condition.
1266

1267 (4) Violations incurred by grease interceptors self-cleaners will be subject to
1268 enforcement action including fines and/or removal from the self-cleaner program.
1269

1270 (e) Cleaning Schedules
1271

1272 (1) Grease interceptors shall be cleaned as often as necessary to ensure that sediment
1273 and floating materials do not accumulate to impair the efficiency of the grease
1274 interceptor; to ensure the discharge is in compliance with local discharge limits; and
1275 to ensure no visible grease is observed in discharge.
1276

1277 (2) Grease interceptors shall be completely evacuated a minimum of every thirty (30)
1278 days, or more frequently when:
1279

- 1280 a. twenty-five (25) percent or more of the wetted height of the grease trap or grease
1281 interceptor, as measured from the bottom of the device to the invert of the outlet
1282 pipe, contains floating materials, sediment, oils or greases; or
1283 b. the discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels
1284 established by the POTW; or
1285 c. there is a history of non-compliance.
1286

1287 (3) Any person who owns or operates a grease interceptor may submit to the POTW a
1288 request in writing for an exception to the thirty (30) day cleaning frequency of their
1289 grease interceptor. The POTW may grant an extension for required cleaning
1290 frequency on a case-by-case basis when:
1291

- 1291 a. the grease interceptor owner/operator has demonstrated the specific
1292 interceptor will produce an effluent, based on defensible analytical

- 1293 results, in consistent compliance with established local discharge limits such
1294 as BOD, TSS, FOG, or other parameters as determined by the POTW, or
1295 b. less than twenty-five (25) percent of the wetted height of the grease
1296 interceptor, as measured from the bottom of the device to the invert of the
1297 outlet pipe, contains floating materials, sediment, oils or greases.
1298 (4) In any event, a grease interceptor shall be fully evacuated, cleaned, and inspected at
1299 least once every 90 days.
1300

1301 Sec. 18-332. Manifest Requirements.
1302

- 1303 (a) Each pump-out of a grease interceptor must be accompanied by a manifest to be used
1304 for record keeping purposes.
1305 (b) Persons who generate, collect and transport grease waste shall maintain a record of
1306 each individual collection and deposit. Such records shall be in the form of a manifest.
1307 The manifest shall include:
1308 (1) name, address, telephone, and commission registration number of transporter;
1309 (2) name, signature, address, and phone number of the person who generated the waste
1310 and the date collected;
1311 (3) type and amount(s) of waste collected or transported;
1312 (4) name and signature(s) of responsible person(s) collecting, transporting, and
1313 depositing the waste;
1314 (5) date and place where the waste was deposited;
1315 (6) identification (permit or site registration number, location, and operator) of the
1316 facility where the waste was deposited;
1317 (7) name and signature of facility on-site representative acknowledging receipt of the
1318 waste and the amount of waste received;
1319 (8) the volume of the grease waste received; and
1320 (9) a consecutive numerical tracking number to assist transporters, waste generators,
1321 and regulating authorities in tracking the volume of grease transported.
1322
1323 (c) Manifests shall be divided into five parts and records shall be maintained as follows:
1324 (1) One part of the manifest shall have the generator and transporter information
1325 completed and shall be given to the generator at the time of waste pickup.
1326 (2) The remaining four parts of the manifest shall have all required information
1327 completely filled out and signed by the appropriate party before distribution of the
1328 manifest.
1329 (3) One part of the manifest shall go to the receiving facility.
1330 (4) One part shall go to the transporter, who shall retain a copy of all manifests showing
1331 the collection and disposition of waste.
1332 (5) One copy of the manifest shall be returned by the transporter to the person who
1333 generated the wastes within 15 days after the waste is received at the disposal or
1334 processing facility.
1335 (6) One part of the manifest shall go to the local authority.
1336 (7) Copies of manifests returned to the waste generator shall be retained for five years
1337 and be readily available for review by the POTW.
1338 (8) Alternative Treatment.

1339 **Section 18-333. Bioremediation.**

1340 **Bioremediation media shall only be used with approved FOG Disposal Systems ASME**
1341 **A112.14.4**

1342

1343 **Section 18-334. Compliance and Testing.**

1344 **All testing designed to satisfy the criteria set forth in Section III (f) (3) shall be**
1345 **scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD,**
1346 **COD, pH, and other pollutant levels shall use appropriate tests which have been approved**
1347 **by the Environmental Protection Agency which are defined in Title 40, Code of Federal**
1348 **Regulations, Part 136. Testing shall be open to inspection by the POTW, and shall meet the**
1349 **POTW's approval.**

1350

1351 **Section 18-335 Prohibited Practices.**

1352

1353 **No person shall introduce, or cause, permit, or suffer the introduction of any**
1354 **surfactant, solvent or emulsifier into a grease interceptor. Surfactants, solvents, and**
1355 **emulsifiers are materials which allow the grease to pass from the grease interceptor into**
1356 **the collection system, and include but are not limited to enzymes, soap, diesel, kerosene,**
1357 **terpene, and other solvents.**

1358

1359 **Section 18-336 Compliance Monitoring.**

1360

1361 **(a) Right of Entry. The POTW shall have the right to enter the premises of any user or**
1362 **potential user to determine whether the user is complying with all requirements of this**
1363 **chapter and any wastewater discharge permit or order issued hereunder. Users shall**
1364 **allow the POTW ready access to all parts of the premises for the purposes of inspection,**
1365 **sampling, records examination and copying, and the performance of any additional**
1366 **duties.**

1367 **(1) Where a user has security measures in force which require proper identification and**
1368 **clearance before entry into its premises, the user shall make necessary**
1369 **arrangements with its security guards so that, upon presentation of suitable**
1370 **identification, the POTW will be permitted to enter without delay for the purposes**
1371 **of performing specific responsibilities.**

1372 **(2) The POTW shall have the right to set up on the user's property, or require**
1373 **installation of, such devices as are necessary to conduct sampling and/or metering of**
1374 **the user's operations.**

1375 **(3) The POTW may require the user to install monitoring equipment as necessary such**
1376 **as FOG sensing and alarm devices complying with PDI G102. The facility's**
1377 **monitoring equipment shall be maintained at all times in a safe and proper**
1378 **operating condition by the user at its own expense.**

1379 **(4) Any temporary or permanent obstruction to safe and easy access to the facility to be**
1380 **inspected and/or sampled shall be promptly removed by the user at the written or**
1381 **verbal request of the POTW and shall not be replaced. The costs of clearing such**
1382 **access shall be borne by the user.**

1383 **(5) Unreasonable delays in allowing the POTW access to the user's premises shall be a**
1384 **violation of this ordinance.**

1385 **(b) Search Warrants. If the POTW has been refused access to a building, structure, or**
1386 **property, or any part thereof, and is able to demonstrate probable cause to believe that**
1387 **there may be a violation of this chapter, then the POTW may seek issuance of a search**
1388 **warrant.**

1389
1390 **Sec. 18-337. Schedule of Penalties.**

1391
1392 **If the POTW determines that a generator is responsible for a blockage of a collection**
1393 **system line the generator shall owe a penalty as provided by city code and applicable**
1394 **law. The Generator is subject to actual cost of cleaning and / or repairing damage**
1395 **caused to the collection system.**

1396
1397
1398 **Section 18-338. Judicial Enforcement Remedies.**

1399
1400 **Injunctive Relief. When the POTW finds that a user has violated or continues to violate**
1401 **any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or**
1402 **any other pretreatment standard or requirement, the POTW may petition the District**
1403 **Court for the issuance of a temporary or permanent injunction, as appropriate, which**
1404 **restrains or compels the specific performance of the wastewater discharge permit, order, or**
1405 **other requirement imposed by this chapter on activities of the user. The POTW may also**
1406 **seek such other action as is appropriate for legal and/or equitable relief, including a**
1407 **requirement for the user to conduct environmental remediation. A petition for injunctive**
1408 **relief shall not be a bar against or a prerequisite for taking any other action against a user.**

1409
1410 **Secs. [18-329] 18-339 --18-355. Reserved.**

1411
1412 **DIVISION 9. SWIMMING POOLS**

1413
1414 **Sec. 18-356. Swimming pool code--Adopted.**

1415 **The International Residential Code, 2003 2009 edition, Appendix G, is and the International**
1416 **Plumbing Code, 2003 edition, are adopted as the swimming pool code of the city. Copies of the**
1417 **code adopted in this section shall be retained on file in the office of the city building official,**
1418 **with the enumerated exceptions and/or deletions.**

1419 **(Code 1976, § 5.5-5; Code 1996, § 18-356)**

1420
1421 **~~Editor's note: The Standard Swimming Pool Code, as published by the Southern Building~~**
1422 **~~Code Congress International, Inc., was discontinued in the year 2000. The International Code~~**
1423 **~~Council did not publish an independent succeeding technical code as a replacement. Instead, the~~**
1424 **~~International Residential Code, 2000 edition, and the International Plumbing Code, 2000 edition,~~**
1425 **~~were both published containing consistent standards for swimming pools, hot tubs, and other~~**
1426 **~~specialty plumbing fixtures.~~**

1427
1428 **State law references: Standards for public pools and spas, 25 Texas Admin. Code, § 265.181**
1429 **et seq.**

1430

1431 **Sec. 18-357. Same--Amendments.**

1432 ~~The swimming pool code adopted in section 18-356, schedule of fees, is amended as~~
1433 ~~follows: the fee for any pool permit shall be as established by separate resolution.~~
1434 ~~(Code 1976, § 5.5-151; Code 1996, § 18-357)~~

1435 **The swimming pool code adopted by reference in section 18-356 shall be amended as**
1436 **follows:**

1437 **(1) Any private pool or spa located within the city shall not remain in a condition so as to**
1438 **create a public health or safety hazard or a nuisance to the general public. Anytime a**
1439 **private pool or spa contains any amount of water, the owner or occupant of the**
1440 **premises shall:**

1441 **(a) Maintain water clarity so that all parts of the bottom can be seen.**

1442 **(b) Maintain the pool or spa in such a manner so that the water in the pool does not**
1443 **become unwholesome. Unwholesome water means any condition that exists in water**
1444 **and is characterized by bacterial growth, algae, insect infestation, the remains of litter,**
1445 **trash, debris, garbage, refuse, rubbish, or any other foreign matter which, because of**
1446 **its nature or location, constitutes an unhealthy, unsafe or unsightly condition.**

1447 **(c) Maintain proper fencing as required under this code.**

1448 **(d) Secure and lock all access gates to any pool located on unoccupied property.**

1449 **(2) It shall be unlawful and declared a nuisance for any person owning, claiming,**
1450 **occupying or having supervision or control of any real property, occupied or**
1451 **unoccupied, that contains a private pool or spa on said real property to permit or allow**
1452 **a condition to exist that is not in compliance with the conditions set forth in subsection**
1453 **(1).**

1454
1455 ~~Secs. 18-358-18-385. Reserved.~~

1456
1457 **DIVISION 10. ENERGY CONSERVATION**

1458
1459 **Sec. 18-358. Energy conservation code-- Adopted.**

1460 **The International Energy Conservation Code, 2009 edition, is hereby adopted as the**
1461 **energy conservation code of the city. A copy of such code shall be retained on file in the**
1462 **office of the city building official.**

1463 **Sec. 18-359. Same--Amendments.**

1464 **The energy conservation code adopted by reference in section 18-358 shall be amended**
1465 **as follows:**

1466 **(1) Section 101.1, Insert: City of Seabrook**

1467 **(2) Section 108.4 Violation Penalties, Insert: To be determined by municipal court.**

1468 **(3) Section 109 Board of Appeals, Delete.**

1469
1470 **DIVISION 11. PROPERTY MAINTENANCE**

1471
1472 **Sec. 18-360. Property maintenance code-- Adopted.**

1473 **The International Property Maintenance Code, 2009 edition, is hereby adopted as the**
1474 **property maintenance code of the city. A copy of such code shall be retained on file in the**
1475 **office of the city building official.**

1476

1477 **Sec. 18-361. Same – Amendments.**

1478 **The property maintenance code adopted by reference in section 18-360 shall be**
 1479 **amended as follows:**

1480 **(1) Section 101.1 Insert: City of Seabrook.**

1481 **(2) Section 105.5 Delete: Fee Schedule.**

1482 **(3) Section 107.6 Transfer of Ownership: Delete.**

1483 **(4) Section 108 Unsafe Structures and Equipment: Delete.**

1484 **(5) Section 109.5 Cost of Emergency Repairs, change to read:**

1485 **"Cost incurred in the performance of emergency work may be paid by the jurisdiction. The**
 1486 **jurisdiction shall certify all administrative expenses and cost of securing, repairing, or**
 1487 **demolishing a building or buildings by the city or by persons doing so under contract with**
 1488 **the city, as a charge which shall be assessed the owner thereof, and which shall constitute**
 1489 **a lien on the land on which the building or buildings are or were situated. Such charge**
 1490 **shall bear interest at the rate of ten percent (10%) per annum until paid."**

1491 **(6) Section 110 Demolition: Delete.**

1492 **(7) Section 111 Means of Appeal: Delete**

1493 **(8) Section 112.4 Failure to Comply, Insert: To be determined by municipal court.**

1494 **(9) Section 302.4 Insert: Nine (9) Inches.**

1495 **(10) Section 304.2 Protective Treatment: Delete.**

1496 **(11) Section 304.14 Insert: January 1st to December 31st.**

1497 **(12) Section 305.3 Interior Surfaces: Delete.**

1498 **(13) Section 306 Component Serviceability Delete.**

1499 **(14) Section 309 Pest Elimination: Delete.**

1500 **(15) Section 602.3 Insert: November 1st to March 31st.**

1501 **(16) Section 602.4 Insert: November 1st to March 31st.**

1502 **(17) Appendix A Boarding Standards: Delete.**

1503

1504 **Secs. 18-358 362--18-385. Reserved.**

1505

1506 **DIVISION 9- 12 SUBSTANDARD, UNSAFE BUILDINGS--DANGEROUS BUILDINGS***

1507

1508 **Sec. 18-386. Created, composition--building and standards commission.**

1509 There is hereby created the building and standards commission, composed of five members,
 1510 which shall consist of the members of the zoning board of adjustment, and alternate members of
 1511 the board of adjustment appointed by city council, who shall serve in the absence of one or more
 1512 regular members when requested to do so by the city manager/designee. Persons appointed to
 1513 the zoning board of adjustment shall also automatically be appointed to the building and
 1514 standards commission, and such appointment shall constitute one position. Persons appointed to
 1515 the zoning board of adjustment/building and standards commission shall hold no other position
 1516 in the city government, and shall serve without pay. Each member shall be a qualified voter at
 1517 the time of appointment and shall be a resident within the corporate limits of the City of
 1518 Seabrook and shall have been a resident for a period of 12 months prior to appointment. The
 1519 appointment of the members shall be for a term of two years or until replacements are appointed
 1520 corresponding and indistinguishable with the requirements for the zoning board of adjustment.
 1521 (Ord. No. 2009-01, § 2, 2-3-2009)

1522

1523 **Sec. 18-387. Authority and purpose.**

1524 This division is remedial and essential to the public interest, safety, health, and welfare and it
 1525 is intended that this chapter be liberally construed to effectuate its purposes. It establishes
 1526 minimum standards for the continued use and occupancy of all buildings regardless of the date of
 1527 their construction; **materials or methods used to construct a building or improvements,**
 1528 **including the foundation, structural elements, electrical wiring, plumbing, fixtures,**
 1529 **entrances, or exits; addresses conditions caused by accumulations of refuse, vegetation, or**
 1530 **other matter that creates breeding and living places for insects and rodents; and**
 1531 **incorporates the building codes or other city codes and statutory provisions relating to the**
 1532 **condition, use, or appearance of property within the city.** The provisions of this chapter are
 1533 hereby adopted pursuant the city Charter, and the Texas Constitution, Article XI, Section 5, and
 1534 in accordance with V.T.C.A., Local Government Code chs. 54, ~~and~~ 214 **and 342.**
 1535

1536 The purposes of this chapter include, but are not limited, to the following:

- 1537 (1) To establish the minimum standards for the continued use and occupancy of all types of
 1538 buildings and structures within the city, regardless of the dates of construction, in order to
 1539 safeguard the public health, safety, and welfare and to protect property.
- 1540 (2) To provide the authority to order and direct the method of securing property that is
 1541 unoccupied by its owners, lessees, or other invitees, and which is unsecured from
 1542 unauthorized entry to the extent that such buildings or structures could be entered or used by
 1543 vagrants or other uninvited persons or could be entered or used by children.
- 1544 (3) To provide the authority to address, and direct the method of addressing buildings and
 1545 structures which, although boarded up, fenced, or otherwise secured in any manner, exhibit
 1546 conditions that may constitute a danger to the public, even though secured from entry, or the
 1547 means used to secure the building or structure is inadequate to prevent unauthorized entry or
 1548 use of the building by vagrants or other uninvited persons or could be entered or used by
 1549 children. The city may require the building or structure, which endangers the public health
 1550 and safety of the occupants of said building and structure and the general public, to be
 1551 vacated, secured, repaired, removed, and/or demolished by the owner and/or the occupants
 1552 thereof to be relocated.
- 1553 **(4) To provide fire safety of buildings or improvements, including provisions related to**
 1554 **materials, types of construction or design, warning devices, fire suppression devices,**
 1555 **availability of water supply for extinguishing fires, location, design or width of**
 1556 **entrances or exits, and enforcement of all city building and fire codes.**
 1557

1558 (Ord. No. 2009-01, § 2, 2-3-2009)
 1559

1560 **Sec. 18-388. Minimum building standards adopted--Investigation.**

1561 Any building or structure whose condition has deteriorated or is operated or maintained in
 1562 violation of the minimum standards for the continued use and occupancy of all types of buildings
 1563 and structures within the city, as adopted and established in this chapter, is hereby subject to
 1564 investigation upon presentation of evidence of probable cause **to a magistrate** by the **code**
 1565 **enforcement** ~~{building}~~ official, **fire marshal, health officer** or designated employee in
 1566 accordance with Article 18.05 of the Texas Code of Criminal Procedure. ~~and may be deemed to~~
 1567 ~~be substandard and a hazard to the public health, safety and/or welfare by the building official or~~

1568 ~~employee thereof, building and standards commission, municipal court or District Court of~~
1569 ~~Harris County, Texas.~~
1570 (Ord. No. 2009-01, § 2, 2-3-2009)
1571

1572 **Sec. 18-389. Dangerous buildings ~~[or]~~, structures and nuisances defined.**

1573 Any building or structure, regardless of date of its construction, having any of the following
1574 defects, shall be deemed to be substandard and/or unfit for human habitation and as a result, a
1575 danger to the public health, safety and welfare and thus, declared to be a dangerous building or
1576 structure:

- 1577 (1) Any building or structure that has become deteriorated or damaged such that its roof, walls,
1578 or flooring is not weathertight and waterproof.
- 1579 (2) Any building or structure that is so structurally deteriorated or damaged that it is in danger
1580 of collapse or that cannot be expected to withstand reasonably anticipated weather
1581 conditions, such as storms or hurricanes.
- 1582 (3) Conditions within any building or structure that violate any provision of the city's building,
1583 electrical, plumbing, fire, or other such codes, **specifically including conditions subject to**
1584 **the city nuisance ordinances, when such nonconformity constitutes a danger to the public**
1585 **health, safety, and welfare, including any device, apparatus, equipment, combustible**
1586 **waste or vegetation which, in the opinion of the fire marshal, is in such a condition as**
1587 **to cause a fire or explosion or provide a ready fuel to augment the spread and**
1588 **intensity of fire or explosion arising from any cause.**
- 1589 (4) Any unsafe or defective electrical wiring, devices or equipment, or unsafe or defective gas
1590 piping or appliances that are apt to cause or promote fires.
- 1591 (5) Light, air or sanitation facilities that are inadequate to protect the health, safety or general
1592 welfare of human beings occupying the premises.
- 1593 (6) Dilapidated, decayed, unsafe, unsanitary, or substandard conditions or any condition that
1594 fails to provide amenities essential to decent living so that the premises are unfit for human
1595 habitation, or are likely to cause sickness or disease, so as to cause injury to the public
1596 health, safety, and welfare.
- 1597 (7) Buildings and structures, regardless of their structural condition, that have been, during
1598 times that they were not actually occupied by their owners, lessees or other legal invitees,
1599 been left unsecured from unauthorized entry to the extent that they may be entered by
1600 vagrants or other uninvited persons as a place of harborage or could be entered by children.
- 1601 (8) Buildings and structures, which are secured by a means inadequate to prevent unauthorized
1602 entry or use in the manner described in subsection (~~6~~7).
- 1603 (9) A wall or other vertical member that lists, leans or buckles to such an extent that a plumb
1604 line passing through the center of gravity falls outside the middle third of its base.
- 1605 (10) Exclusive of the foundation, 33 percent or more damage or deterioration to the supporting
1606 member or members or 50 percent of damage or deterioration to the nonsupporting
1607 enclosing or outside walls or coverings.
- 1608 (11) An improperly distributed load upon the floor or roof, or an overloaded roof or floor, or a
1609 floor or roof with insufficient strength to be reasonably safe for the purpose used.
- 1610 (12) Inadequate facilities for egress in case of fire or panic or insufficient stairways, elevators,
1611 or fire escapes.

1612 **(13) When a building which is partially constructed has not had any significant**
 1613 **construction work done on it in the preceding six months, and it is not secured by a**
 1614 **fence or other means to prevent children and vagrants from entering the building.**

1615 **(14) Parts of buildings and structures that may fall and injure a person or property.**

1616 **(15) Hazardous or unsanitary premises that have an accumulation of weeds, vegetation,**
 1617 **junk, dead organic matter, debris, garbage, rat harborages, stagnant water,**
 1618 **combustible materials and similar materials or conditions that constitute fire, health**
 1619 **or safety hazards in the opinion of the code enforcement official.**

1620 (Ord. No. 2009-01, § 2, 2-3-2009)

1621

1622 **Sec. 18-390. Declaration of nuisance; conduct prohibited.**

1623 Any building or structure which has any or all of the conditions or defects described above in
 1624 section 18-389, where such condition or conditions pose a threat or potential threat to life, health,
 1625 property, or human safety; **or conditions caused by accumulations of refuse, vegetation, or**
 1626 **other matter that creates breeding and living places for insects, and rodents,** is hereby
 1627 declared to be a public nuisance, is prohibited as unlawful, and shall be abated according to
 1628 provisions of this division. It is an offense for an owner or occupant or other person having
 1629 control of the building, ~~or~~ structure **or property** to fail to abate such public nuisance.

1630 Therefore failure to abate such condition may also be prosecuted as a criminal misdemeanor
 1631 offense. It is a further offense and unlawful for any person to cause, permit, or allow a dangerous
 1632 building after the 30th day after the date on which the building and standards commission finds a
 1633 condition of nuisance and orders abatement, or after such extended date as may be lawfully
 1634 permitted by the building and standards commission.

1635 (Ord. No. 2009-01, § 2, 2-3-2009)

1636

1637 **Sec. 18-391. Commencement of proceedings.**

1638 **(a) When the [building] code enforcement official has determined that a building is a dangerous**
 1639 **building, he/she will set a date and time for a public hearing before the building and**
 1640 **standards commission to determine if the building complies with the minimum standards**
 1641 **established in this article. The [building] code enforcement official may seek voluntary**
 1642 **compliance with the owner, lienholder or mortgagee of the building before seeking a hearing**
 1643 **before the commission. If the [building] code enforcement official receives voluntary**
 1644 **compliance from the owner, lienholder or mortgagee, a public hearing is not required.**

1645 **(b) In addition, in accordance with Section 214.0011 of the Texas Local Government Code,**
 1646 **the code enforcement official may secure a building if it is determined it violates the**
 1647 **minimum standards for use and occupancy of the building and is unoccupied or is**
 1648 **occupied only by persons who do not have a right of possession if:**

1649 **(1) Before the eleventh (11th) day after the building is secured, the owner is given notice**
 1650 **in accordance with § 214.0011(c) Local Government Code; and**

1651 **(2) The Building and Standards Commission conducts a hearing within twenty (20)**
 1652 **days after a request for hearing is filed by the owner, provided said request for**
 1653 **hearing is filed within thirty (30) days after the building is secured.**

1654

1655 (Ord. No. 2009-01, § 2, 2-3-2009)

1656

1657

1658 **Sec. 18-392. Notice of hearing before the building and standards commission.**

1659 Notice of all proceedings before the building and standards commission shall be given on or
1660 before the tenth day before the date fixed for hearing:

- 1661 (1) By personal delivery, by certified mail, return receipt requested, to the record owners of the
1662 affected property sent to the last known address, and each mortgagee, lienholder and each
1663 holder of a recorded lien against the affected property, as shown by the records of the county
1664 clerk in which the affected property is located if the address of the lienholder can be
1665 ascertained from the deed of trust establishing lien or other applicable instruments on file in
1666 the office of the county clerk.
- 1667 (2) To all unknown owners by posting a copy of the notice on the front door of each
1668 improvement situated on the affected property or as close to the front as practicable.
- 1669 (3) The notice shall be mailed and posted before the tenth day preceding the date of the hearing
1670 before the building and standards commission and must state the date, time, and place of the
1671 hearing. In addition, the notice must be published in a newspaper of general circulation in
1672 the city on one occasion before the tenth day preceding the date fixed for the hearing.
- 1673 (4) The notice shall contain the following:
- 1674 (a) The name and address of the owner of the affected property if that information can be
1675 determined from a reasonable search of the instruments on file in the office of the Harris
1676 County clerk.
- 1677 (b) An identification, which is not required to be a legal description of the building and the
1678 property on which it is located.
- 1679 (c) A description of the violation of the municipal standards that is present at the building.
- 1680 (d) A statement that the city will vacate, secure, remove, repair or demolish the building or
1681 relocate the occupants of the building if the ordered action is not taken within a
1682 reasonable time.
- 1683 (e) A statement that the owner, lienholder, or mortgagee will be required to submit proof, at
1684 the hearing, of any work that may be required to comply with the ordinance and the time
1685 it will take to reasonably perform the work.
- 1686 (f) The time, date, and place of the hearing.
- 1687 (5) In addition, if the city files a notice in the official public records of real property for Harris
1688 County, Texas, **or the where the real property is primarily situated** pertaining to the
1689 hearing, as set forth above, the notice shall bind all subsequent holders of interest in the
1690 property, according to state law.
- 1691 (Ord. No. 2009-01, § 2, 2-3-2009)

1692

1693 **Sec. 18-393. Functions.**

1694 The building and standards commission panel may:

- 1695 (1) Order the repair, within a fixed period, of buildings found to be in violation of an
1696 ordinance.
- 1697 (2) Declare a building substandard in accordance with the powers granted by this article.
- 1698 (3) Order, in an appropriate case, the immediate removal of persons or property found on
1699 private property, enter on private property to secure the removal if it is determined that
1700 conditions exist on the property that constitute a violation of an ordinance, and order action
1701 to be taken as necessary to remedy, alleviate, or remove any substandard building found to
1702 exist.

- 1703 (4) Issue orders or directives to any peace officer of the state, including a sheriff or constable
1704 or the chief of police of the municipality, to enforce and carry out the lawful orders or
1705 directives of the building and standards commission panel.
- 1706 (5) Determine the amount and duration of the civil penalty the city may recover in accordance
1707 with V.T.C.A., Local Government Code § 54.017. A determination of the subject civil
1708 penalty is final and binding and constitutes prima facie evidence of such penalty in a court
1709 of competent jurisdiction in a civil suit brought by the city for final judgment and may be
1710 enforced by the city secretary filing with the District Clerk of Harris County, Texas, a
1711 certified copy of the order of the building and standards commission panel establishing the
1712 amount and duration of the penalty.

1713 (Ord. No. 2009-01, § 2, 2-3-2009)

1714

1715 **Sec. 18-394. Standards for repair, vacation or demolition.**

- 1716 (a) *Ordered repaired.* If the dangerous building can be feasibly repaired or the condition
1717 remedied so that it will no longer exist in violation of this code, it will be ordered remedied
1718 or repaired. Repairs are feasible only if less than 50 percent of the structure of the building
1719 must be repaired or replaced or the value of the structure is reduced by less than 50 percent
1720 because of the violations. Value may be determined by comparing the most recent
1721 valuation for the building by the Harris County Tax Appraisal District with the valuation of
1722 the building two years prior to the most recent valuation by the Harris County Tax
1723 Appraisal District.
- 1724 (b) *Ordered vacated and secured.* If the dangerous building is in such a condition as to make
1725 it hazardous to the health, safety, or general welfare of its occupants or the public, it will be
1726 ordered vacated and secured.
- 1727 (c) *Ordered demolished.* If more than 50 percent of a building is damaged, decayed or
1728 deteriorated, it will be ordered demolished or removed, unless the building and standards
1729 commission determines that the building can be feasibly repaired or the condition
1730 remedied. If a building cannot be repaired, it will be ordered demolished.

1731

1732 (Ord. No. 2009-01, § 2, 2-3-2009)

1733

1734 **Sec. 18-395. Building and standards commission hearing--Burden of proof.**

1735 **In a public hearing to determine whether a building complies with the standards set out**
1736 **in this article the owner, lienholder, mortgagee, manager or occupant has the burden of**
1737 **proof to demonstrate the scope of work that may be required to comply with this Article**
1738 **and the time it will take to reasonably perform the work.** After a public hearing, if a building
1739 is found to be in violation of this article, the building and standards commission may:

- 1740 (1) Enter on the minutes its findings that the building, or use thereof:
- 1741 (a) Is in violation of the minimum standards of this article in specified instances;
- 1742 (b) Is dilapidated, substandard, or unfit for human habitation and a hazard to the public
1743 health, safety and welfare;
- 1744 (c) Is structurally sound but is unoccupied by its owners, lessees, or other invitees and is
1745 unsecured from unauthorized entry to the extent that it could be entered or used by
1746 vagrants or other uninvited persons as a place of harborage or could be entered or used by
1747 children;

- 1748 (d) Is structurally sound, boarded up, fenced, or secured but constitutes a danger to the
1749 public or the means used to secure the building are inadequate to prevent unauthorized
1750 entry or use of the building by vagrants, children, or other uninvited persons;
- 1751 (e) Violates the minimum standards of this article and is unoccupied or is occupied only by
1752 persons who do not have a right of possession; or
- 1753 (f) Is dangerously damaged or deteriorated or is likely to endanger persons or property.
- 1754 (2) Make an order that:
- 1755 (a) The building be secured from unauthorized entry;
- 1756 (b) The building be repaired, removed or demolished;
- 1757 (c) The building be vacated in whole or in part;
- 1758 (d) Any or all occupants be relocated.
- 1759 **(e) Such other requirements deemed reasonably necessary, including the abatement of**
1760 **any nuisances caused by accumulations of refuse, vegetation, or other matter that**
1761 **creates breeding and living places for insects, and rodents.**
- 1762 (3) Time limits.
- 1763 (a) An order shall require that a building shall be secured within 30 days.
- 1764 (b) An order shall require that a building must be repaired, removed or demolished within 30
1765 days unless the owner or lienholder establishes at the hearing that the work cannot
1766 reasonably be performed within 30 days.
- 1767 (c) If the building and standards commission allows the owner, lienholder, mortgagee,
1768 manager or occupant more than 30 days to repair, remove or demolish the building, the
1769 building and standards commission shall establish specific time schedules for the
1770 commencement and performance of the work and shall require the owner, lienholder,
1771 mortgagee, manager or occupant to secure the property in a reasonable manner from
1772 unauthorized entry while the work is being performed.
- 1773 (d) The building and standards commission may not allow the owner, lienholder, mortgagee,
1774 manager or occupant more than 90 days to repair, remove or demolish the building or
1775 fully perform all work required to comply with the order of the building and standards
1776 commission unless the owner, lienholder, mortgagee, manager or occupant:
- 1777 1. Submits a detailed plan and time schedule for the work at the hearing, and
- 1778 2. Establishes at the hearing that the work cannot reasonably be completed within 90
1779 days because of the scope and complexity of the work.
- 1780 (e) If the building and standards commission allows the owner, lienholder, mortgagee,
1781 manager or occupant more than 90 days to complete any part of the work required to
1782 repair, remove or demolish the building, the building and standards commission shall
1783 require the owner, lienholder, mortgagee, manager or occupant to regularly submit
1784 progress reports to the building and standards commission to demonstrate that the owner,
1785 lienholder, mortgagee, manager or occupant complied with the time schedules established
1786 by the building and standards commission for commencement and performance of the
1787 work. The order may require that the owner, lienholder, mortgagee, manager or occupant
1788 appear before the hearing panel to demonstrate compliance with the schedules.
- 1789 (f) In a public hearing to determine whether a building complies with the standards set out
1790 in this article the owner, lienholder, mortgagee, manager or occupant has the burden of
1791 proof to demonstrate the scope of work that may be required to comply with this article
1792 and the time it will take to reasonably perform the work.

1793 (g) Should an owner fail to comply with an order of the building and standards commission
 1794 to repair, remove or demolish a building the commission may assess civil penalties
 1795 against such owner upon notice and hearing. Such notice shall be given at least ten days
 1796 prior to the hearing to determine whether or not civil penalties should be assessed.

1797 (Ord. No. 2009-01, § 2, 2-3-2009)
 1798

1799 **Sec. 18-396. Procedure after hearing.**

1800 After the hearing before the building and standards commission, the city shall deliver a copy
 1801 of the order by personal delivery or by certified mail, return receipt requested, to the record
 1802 owners of the affected property and to any lienholder or mortgagee of the affected property.
 1803 Within ten days after the date the order from the building and standards commission is issued the
 1804 city will:

- 1805 (1) File a copy of the order in the office of the city secretary, and
- 1806 (2) Publish in the city's official newspaper a notice containing:
 - 1807 (a) The street address or legal description of the property;
 - 1808 (b) The date of the hearing;
 - 1809 (c) A brief statement indicating the results of the hearing or order; and
 - 1810 (d) Instructions stating where a complete copy of the order may be obtained.

1811 (Ord. No. 2009-01, § 2, 2-3-2009)
 1812

1813 **Sec. 18-397. Enforcement—Expenses.**

- 1814 (a) If an owner does not take the action ordered by the building and standards commission
 1815 within the allotted time the code enforcement official shall promptly mail by certified mail,
 1816 return receipt requested, a copy of the order to any lienholder or mortgagee of the building
 1817 not previously served with the order.
- 1818 (b) If the owner, lienholder, mortgagee, manager or occupant should fail to comply with an
 1819 order of the building and standards commission, the building and standards commission
 1820 may, in addition to any other actions or remedies in this article, authorize the city to:
 - 1821 (1) Vacate, secure, remove or demolish the building.
 - 1822 (2) Relocate the occupants.
 - 1823 (3) Repair the building to the extent necessary to bring the building into compliance with
 1824 the minimum standards.
- 1825 (c) The building and standards commission may authorize the code enforcement official to
 1826 secure a building that violates the minimum standards and is unoccupied or is occupied only
 1827 by persons who do not have a right of possession before notice and hearing. [if:
 1828 (1) ~~Before the 11th day after the building is secured, the owner is given notice in~~
 1829 ~~accordance with V.T.C.A., Local Government Code § 214.0011(e); and~~
 1830 (2) ~~The building and standards commission conducts a hearing within 20 days after a~~
 1831 ~~request for hearing is filed by the owner, provided said request for hearing is filed~~
 1832 ~~within 30 days after the building is secured].~~
- 1833 (d) The building and standards commission may assess all expenses incurred by the city
 1834 pursuant to the foregoing provisions against the owner of the property and the property.
 1835 Said assessment of expenses shall constitute a privileged lien on the property subordinate
 1836 only to tax liens and previously recorded bona fide mortgage liens, unless the property is a
 1837 homestead protected by the Texas Constitution in accordance with V.T.C.A., Local
 1838 Government Code ch. 214, and ch. 54.

- 1839 (e) The building and standards commission by order, may assess and recover a civil penalty
1840 against the property owner in an amount not to exceed \$1,000.00 per day for each violation
1841 or, if the owner shows that the property is the owner's lawful homestead, in an amount not
1842 to exceed \$10.00 per day for each violation, if the city proves:
- 1843 (1) The property owner was notified of the requirements of this article and the owner's
1844 need to comply with the requirements, and
- 1845 (2) After notification, the property owner committed an act in violation of this article or
1846 failed to take an action necessary for compliance with this article.
- 1847 (f) The city council hereby finds and declares that the general administrative expenses of
1848 inspecting buildings, conducting hearings, issuing notices and orders, together with
1849 associated administrative functions, require the reasonable charge of \$[3]400.00 for each
1850 lot, adjacent lots under common ownership or tract of land. Such minimum charge is
1851 hereby established and declared to be the charge for such administrative expenses to be
1852 assessed in each instance where the building and standards commission determines that the
1853 building or structure is a dangerous building and the city has been required to proceed with
1854 notice and hearing as provided for in section 18-392, together with any additional charges
1855 as delineated in subsection 18-397(g). Notwithstanding any tabulation of recorded costs, a
1856 charge of \$[3]400.00 is hereby expressly stated to be the minimum charge, unless
1857 otherwise determined by the building and standards commission. Further, the cost of
1858 securing, repairing, demolishing the building or buildings, either by the city or by persons
1859 doing so under contract with the city, shall be separately calculated and assessed in each
1860 instance where the city secures, repairs, demolishes or causes the demolition of a building
1861 or buildings pursuant to this article.
- 1862 (g) Any case referred to the building and standards commission for consideration shall also
1863 have attached as costs all expenses incurred by the city to research ownership and
1864 mortgagee/lienholder interests, as such research is required by state law to fix enforceable
1865 orders and liens. The city shall certify all administrative expenses and costs of securing,
1866 repairing, or demolishing a building or buildings by the city or by persons doing so under
1867 contract with the city, as a charge which shall be assessed the owner thereof, and which
1868 shall constitute a lien on the land on which the building or buildings are or were situated.
1869 Such charge shall bear interest at the rate of [~~six~~] **ten percent (10%)** per annum until paid.
1870 **The amount of the assessment shall be subject to the same procedure and sale in case**
1871 **of delinquency as provided by the laws of the state.**
- 1872 (h) If an order has been issued pursuant to this article for the repair, securing or demolition of a
1873 building or buildings and the city has let a contract for such work, and the building or
1874 buildings are subsequently repaired, secured or demolished by the owners prior to
1875 completion of the contracts let by the city, the administrative expenses and all costs for
1876 cancellation of the contract shall be certified as a charge which shall be assessed against the
1877 owners thereof, and which shall constitute a lien on the land on which the building or
1878 buildings are or were situated. Such charge shall bear interest at the rate of six percent per
1879 annum until paid.
- 1880 (i) Upon a finding by the building and standards commission that a building is dangerously
1881 damaged or deteriorated, or is likely to endanger persons or property, the code enforcement
1882 official may place a placard notice on all dwelling units which the building and standards
1883 commission has determined to be dangerously damaged or deteriorated, or likely to
1884 endanger persons or property, with the following language:

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DO NOT ENTER
UNSAFE TO OCCUPY

IT IS A MISDEMEANOR TO OCCUPY THIS BUILDING, OR TO REMOVE OR DEFACE
THIS NOTICE.

BUILDING OFFICIAL
CITY OF SEABROOK, TEXAS

(Ord. No. 2009-01, § 2, 2-3-2009)

Sec. 18-398. Offenses.

It is unlawful for the owner, occupant, lessees or manager of a building governed by this chapter to:

- (1) Permit a building to be in violation of any provision of this chapter;
- (2) Permit a building to exist in a dilapidated or substandard condition, or condition unfit for human habitation and a hazard to the public health, safety, and welfare;
- (3) Permit a building to be unoccupied and unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;
- (4) Permit a building that is boarded up, fenced or otherwise secured to:
 - (a) Constitute a danger to the public, or
 - (b) Have inadequate means to secure the building from unauthorized entry or use.
- (5) Permit a building to be occupied only by persons who do not have a right of possession and violate any provision of this chapter; [ø]
- (6) Permit a building to exist in a dangerously damaged or deteriorated condition or in a condition likely to endanger persons or property;
- (7) Without authority from the code enforcement official or the fire marshal, he or she removes or destroys a placard placed pursuant to 18-397(i) by such officials; or**
- (8) As owner, operator, or manager of a building, he or she permits a person to occupy a building or room on which the code enforcement official or the fire marshal has placed a placard pursuant to 18-397(i), or he or she occupies a building or room on which the code enforcement official or the fire marshal has placed such a placard, absent express authorization of the subject official(s).**

(Ord. No. 2009-01, § 2, 2-3-2009)

Sec. 18-399. Demolition regulations extended to cover site clearance, leveling and grading.

- (a) In addition to the building regulations contained in this article, the regulations concerning the demolition of buildings and permits therefore are extended to cover and include that:
 - (1) All debris must be removed from the property, all holes or depressions in the ground must be filled to grade level.
 - (2) The grading and leveling and clearance of the site of the demolition where the removal of structures makes such grading, leveling or clearance necessary, or where such grading, leveling or clearance is necessary to protect adjacent property for the public safety. **The grading and leveling shall include appropriate fill to insure proper drainage, and a permit shall be secured for any fill work if provided by city code.**
 - (3) All lumber, pipes and all other building materials must be removed from the property.

- 1930 (4) All pipes and conduits must be removed from above grade and must be removed or
 1931 sealed below grade.
 1932 (5) All piers, pilings, steps, foundations, and other appurtenances must be removed from
 1933 the property.
 1934 (b) Each person having an interest in the building or control over the property on which the
 1935 building stood prior to removal or demolition is individually responsible for completing
 1936 this work.
 1937 (Ord. No. 2009-01, § 2, 2-3-2009)
 1938

1939 **Sec. 18-400. Disconnecting public utilities.**

1940 The code [~~compliance director~~] **enforcement official** may request that public utilities be
 1941 disconnected in order that demolition or other nuisance abatement actions may be accomplished
 1942 without delay in those cases where the structure is open, vacant, dilapidated, or subject to any of
 1943 the conditions defining public nuisance in this article.
 1944 (Ord. No. 2009-01, § 2, 2-3-2009)
 1945

1946 **Sec. 18-401. Building and standards commission other remedies; chapters 54 and 214,**
 1947 **Texas Local Government Code.**

1948 Nothing in this chapter shall preclude the city's pursuit of any and all other remedies allowed
 1949 under civil and criminal law, or in equity, to address conditions which are treated in this chapter,
 1950 under the theory of public nuisance and the abatement of dangerous buildings or structures.
 1951 Neither shall the city be required, nor prohibited, to issue criminal citations before, after, or
 1952 during any proceeding prescribed in this chapter.

1953 Specifically, in addition to the provisions in this chapter and remedies afforded under
 1954 V.T.C.A., Local Government Code ch. [214] **54**, Municipal Regulation of Structures, the city
 1955 further asserts full authority to exercise its right to remedy under all provisions of the V.T.C.A.,
 1956 Local Government Code including, but not limited to, ch. [54] **214**, subchapter B, Municipal
 1957 Health and Safety Ordinances, **and ch. 342, Municipal Fire Protection, subchapter B**, in
 1958 prosecution of civil suits for enforcement, **removal or destruction of buildings and structures**,
 1959 injunctive relief, and civil penalties to remedy conditions of public concern described in this
 1960 chapter.

1961 (Ord. No. 2009-01, § 2, 2-3-2009)
 1962

1963 **Sec. 18-402. Appeal to district court under substantial evidence rule; lien priority.**

- 1964 (a) Any owner, lienholder, or mortgagee of record, aggrieved by an order of the building and
 1965 standards commission under this division may file in district court a verified petition setting
 1966 forth that the decision is illegal, in whole or part, and specifying the grounds of the
 1967 illegality. The petition must be filed within 30 calendar days after the respective dates a
 1968 copy of the final decision of the building and standards commission is mailed to them by
 1969 first class mail, certified return receipt requested, or such decision shall become final as to
 1970 each of them upon expiration of each such 30-calendar-day period.
 1971 (b) In any judicial contest challenging the city's rights under this division, the city shall pursue
 1972 recovery of its attorney's fees as allowed by the Texas Local Government Code.
 1973 (c) An aggrieved party's appeal from an order of the building and standards commission, when
 1974 made to the district court, shall be limited, according to law, to a hearing under the
 1975 substantial evidence rule, where under the court may reverse or affirm, in whole or part, the

1976 building and standards commission's decision. Accordingly, costs may not be allowed
 1977 against the city.
 1978 (d) The lien securing payment of civil penalties or the costs of repairs, removal, or demolition,
 1979 as the case may be, is inferior only to any previously and duly recorded bona fide mortgage
 1980 liens, as prescribed by state law. The city's lien is superior to all other previously recorded
 1981 judgment liens, and shall accrue interest at the rate of ten percent a year, or as allowed by
 1982 law, from the date of assessment until paid in full.

1983 (Ord. No. 2009-01, § 2, 2-3-2009)

1984 Secs. 18-403--18-408. Reserved.

1985

1986 ~~Secs. 18-403 – 18-408. Reserved.~~ Secs. 18-403 – 18-415. Reserved.

1987

1988 **~~DIVISION 10. ENERGY CONSERVATION~~**

1989

1990 **~~Sec. 18-409. Energy conservation code adopted.~~**

1991 ~~The International Energy Conservation Code, 2003 edition, is hereby adopted as the~~
 1992 ~~energy conservation code of the city. A copy of such code shall be retained on file in the office~~
 1993 ~~of the city building official.~~

1994 ~~(Code 1996, § 18-409; Ord. No. 2002-02, § 2, 3-5-2002)~~

1995 ~~**Editor's note:** Ord. No. 2002-02, § 2, adopted March 5, 2002, set out provisions adopting the~~
 1996 ~~energy conservation code. To maintain the numeric sequencing of this Code, said provisions~~
 1997 ~~have been included as 18-409 at the discretion of the editor to read as herein set out. See the~~
 1998 ~~Code Comparative Table.~~

1999 ~~**State law references:** Home rule municipality may require buildings to comply with energy~~
 2000 ~~conservation standards, V.T.C.A., Local Government Code § 214.901.~~

2001 ~~Secs. 18-410 – 18-415. Reserved.~~

2002

2003 **ARTICLE V. EXCAVATIONS***

2004

2005 ~~***State law references:** Trench safety standards, V.T.C.A., Health and Safety Code § 756.021~~
 2006 ~~et seq.~~

2007

2008

2009 **Sec. 18-416. Findings of fact.**

2010 The city council expressly finds as facts that:

- 2011 (1) Excavated areas or pits in the city will partially fill with water from seepage and surface
- 2012 drainage, which will in most cases become stagnant and disease/germ ridden.
- 2013 (2) When partially filled with water, such areas attract and invite people, particularly young
- 2014 people, for swimming, wading or related sports.
- 2015 (3) The use mentioned in subsection (2) of this section is a continuing danger to the health and
- 2016 safety of the participants and could thereby easily spread contagious diseases to others.
- 2017 (4) The city will, in all likelihood, continue to expand rapidly in population, requiring land
- 2018 suitable for residential and commercial construction on a large scale.
- 2019 (5) Residential and commercial property in reasonable proximity to such areas or pits will
- 2020 depreciate substantially in value.

- 2021 (6) The health, safety and general welfare of the public require the strict control of the
2022 excavation, operation and maintenance of such pits in order to prevent injury or damage to
2023 the public generally, or to such parts of the public as come in contact with such pits.
2024 (Code 1976, § 9-1; Code 1996, § 18-416)
2025

2026 **Sec. 18-417. Statement of legislative intent.**

2027 It is declared to be the intention of the city council, by the enactment of this article, to keep
2028 intact and unimpaired the health and safety of the citizens of the city and to endeavor to prevent
2029 an activity that constitutes a continuing danger to the health, safety and general welfare of the
2030 public.

2031 (Code 1976, § 9-2; Code 1996, § 18-417)
2032

2033 **Sec. 18-418. Pit excavations generally.**

2034 It shall be unlawful for any person, either as an owner of land or as a lessee, permittee,
2035 licensee, agent or representative of such owner or any other claimant or possessor of such land to
2036 remove or to excavate for the purposes of removal any sand, clay, fill dirt or other material of the
2037 soil from such land, unless the following are complied with:

- 2038 (1) He shall have first obtained a permit from the city council.
2039 (2) The area to be excavated shall be enclosed with a fence at least six feet in height from
2040 ground level, which shall be of chain link construction. The top of such six-foot fence shall
2041 be permanently crowned with two strands of barbed wire. Such fence shall be equipped
2042 with no more than two gates of like materials and height as the fence. When such pit is
2043 unattended, such gates shall be closed and secured by lock and key.
2044 (3) The area to be excavated shall not exceed five acres and shall be excavated to a depth not
2045 to exceed 20 feet.
2046 (4) The excavation shall proceed from the center outward to the perimeter of the total
2047 permitted excavation. When the excavation has extended to within 50 feet of the perimeter,
2048 a gradual slope shall be formed on a grade of not to exceed six inches rise per foot of
2049 distance, until the ground level is reached at the perimeter.
2050 (5) No pit operations shall be permitted where the perimeter of the area to be excavated is
2051 within 500 feet of any existing dwelling house or residential lot which is a part of a
2052 subdivision duly plotted and approved by the city.
2053 (6) Such areas or pits must be continuously drained or pumped as necessary, so as to be free
2054 from standing water.
2055 (7) All city streets used in the transporting of removed soil materials shall be maintained by the
2056 owner or operator free from holes, ruts or damage to hard-surfaced roadways. Any such
2057 damage shall be repaired forthwith by the owner or operator, at no expense to the city.
2058 (8) All excavated areas maintained in the city and excavations performed within the city shall
2059 be in conformity with state and federal standards.

2060 (Code 1976, § 9-3; Code 1996, § 18-418)
2061

2062 **State law references:** Municipality may adopt ordinance denying permit to a person who fails
2063 to certify that certain safety requirements have been satisfied before excavation begins,
2064 V.T.C.A., Health and Safety Code § 756.022.
2065

2066

2067 **Sec. 18-419. Removal of material from existing pits.**2068 (a) It shall be unlawful to remove or to excavate for the purpose of removal any sand, clay, fill
2069 dirt or any other material of the soil from any existing pit within the city, as long as the
2070 operator thereof is in noncompliance with subsections 18-418(2), (4), (6) and (7).2071 (b) Upon written notice of noncompliance to the operator of any existing pit pursuant to
2072 subsection (a) of this section, such operator shall have a period of 30 days from the date of
2073 such notice to comply with the provisions of this article applicable to existing pits.

2074 (Code 1976, § 9-4; Code 1996, § 18-419)

2075

2076 **Secs. 18-420--18-445. Reserved.**

2077

2078 **ARTICLE VI. FILLING OF LAND**

2079

2080 **Sec. 18-446. Penalty.**2081 Any person raising or filling land in violation of this article, without a valid permit, using
2082 unauthorized fill material, failing to comply with application and permit requirements, failing to
2083 comply timely with the compaction requirements or the covering requirements shall, upon
2084 conviction, be punished as provided in section 1-15. Violations of this article allowed by the
2085 property owner or permittee constitutes a violation by the property owner or permittee. A permit
2086 may be canceled by the building official for violation of any provision of this article.

2087 (Code 1976, § 13-45; Code 1996, § 18-446)

2088

2089 **Sec. 18-447. Permit and fee.**2090 No property shall be raised or filled without a permit therefor being first obtained from the
2091 city building official. Upon application, the permit may be granted for a period up to six months
2092 and may be renewed by the building official for additional periods not exceeding six months
2093 each. It shall be the responsibility of the individual applying for the permit to secure the proper
2094 federal and state permits. A fee, which is established by resolution of the city council, payable to
2095 the city, shall accompany each application for an original permit or renewal thereof.

2096 (Code 1976, § 13-43; Code 1996, § 18-447)

2097

2098 **Sec. 18-448. Specifications.**2099 ~~(a) To be approved under this article, fill material must consist of a minimum of 20 percent dirt,~~
2100 ~~rock or cement. The remaining 80 percent may consist of only the following: dirt, concrete,~~
2101 ~~brick, rock, wood, sheetrock, metal, tin and any other material approved by the building official.~~
2102 ~~The following materials may not be allowed as fill: paper, food products, liquids of any type,~~
2103 ~~chemicals of any type, tires, and any refuse commonly known as household garbage.~~2104 ~~(b) The fill process may continue to a maximum depth of six feet. When the fill is completed or~~
2105 ~~when the six-foot depth has been reached, a six-inch layer of compacted clay must be placed on~~
2106 ~~top and on all exposed sides of the fill. The fill and compaction process as stated in this~~
2107 ~~subsection may be continued until the desired height is achieved or the permit expires, at which~~
2108 ~~time a one-foot thick layer of compacted clay must be placed on the top and on all exposed sides~~
2109 ~~of the fill.~~2110 ~~(c) The permittee or property owner will remove at his or her expense any unauthorized~~
2111 ~~material and will be responsible for containing the fill material on designated land at all times.~~

2112 (Code 1976, § 13-44; Code 1996, § 18-448)

2113

2114 **Sec. 18-449 448. Preservation of wetlands.**

2115 On projects requiring the mitigation of wetlands, permits will be issued only if the required
2116 mitigation is done within the corporate limits of the city unless determined impracticable by city
2117 council.

2118 (Ord. No. 2006-10, § 2, 2-6-2007)

2119

2120

2121 End

2122