

ORDINANCE NO. 20180813B

AN ORDINANCE OF THE CITY OF BURTON, TEXAS, AMENDING VARIOUS WORDING AND DELETING PROVISIONS THAT REQUIRE THE CITY TO ISSUE A PERMIT AND PERFORM INSPECTIONS IN ORDINANCE 20170313 ADOPTING THE 2015 EDITION OF THE INTERNATIONAL BUILDING CODE; ADOPTING THE 2015 INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; REPEALING ORDINANCE DATED MAY 6, 1999; AMENDING ALL PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR A PENALTY; AND PROVIDING FOR RELATED MATTERS.

Whereas, the public health, safety and welfare, require the adoption of codes governing building systems for structures within the City of Burton, Texas; and

Whereas, the public health, safety and welfare will be service by updating certain codes heretofore adopted by the city;

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety, and quality of life.

Section 2. Adoption of Building Codes. The following building codes are hereby adopted.

1. BUILDING CODES ADOPTED

a. International Building Code (IBC) Adopted.

- i. That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Building Code," 2015 edition, published by the International Code Council, and any future amendments, editions or derivatives beginning sixty (60) days after printing, is hereby adopted as the building code of the city, establishing the minimum Building Ordinance. The provisions therein shall be controlling in the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of all buildings and structures within the area of jurisdiction on the city.
- ii. A request for a variance to the International Building Code on an existing building may be submitted for consideration by the City Council.
- iii. *Amendments.* The International Building Code is amended follows: Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Burton, Texas.

b. International Residential Code Adopted

- i. That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Residential Code for One-and Two-Family Dwellings," 2015 edition, published by the International Building Code Council, and any future amendments, editions or derivatives beginning sixty (60) days after printing, is hereby adopted as the residential building code of the city regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses within the area of jurisdiction of the city.

- ii. A request for a variance to the International Building Code on an existing building may be submitted for consideration by the City Council.
- iii. *Amendments.* The International Building Code for One- and Two-Family Dwellings is amended follows:
Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Burton, Texas.

Section 3. Flood Plain. The areas of special flood hazard int the City of Burton as identified by the Federal Emergency Management Agency must be in compliance with the Flood Plain Prevention Ordinance #20110523 on file at the office of the City Secretary, City Hall, 12200 E. Mulberry Street, Burton, Texas 77835.

Section 4. Adoption of Minimum Size for Residences. The minimum square footage for residential structures shall be 750 square feet of heated area that will include a bathroom and designated kitchen per the requirements of this code. The request for a residential structure below the minimum square footage may be submitted for consideration by the City Council.

1. Any owner may make minor improvements and ordinary repairs on any structure without a permit, as described in the codes adopted herein, provided such improvements and repairs conform to all applicable building laws and codes.

Section 5. Penalty. Penalty provisions in the referenced codes shall be subordinate to this ordinance and state law.

1. Any person who shall violate any of the provisions of this Chapter or the technical codes adopted herein, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed \$500.00, provided that violations of any regulations adopted herein governing fire safety or public health and sanitation, including dumping of refuse, may be punishable by a fine not to exceed \$2,000.00. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.
2. All provisions requiring the city to issue a permit or perform inspections have been deleted. This arrangement appears to comply with the requirements of state law, and places the burden of compliance on the builder.

PASSED AND APPROVED this 13 day of August, 2018.

David Zepko
Mayor

ATTEST:

Angela Weyard
Acting City Secretary