

ORDINANCE NO. 12-66

**AN ORDINANCE AMENDING CHAPTER 18 (BUILDINGS) ARTICLE II BUILDING CODES SECTION 18-31, SECTION 18-32, SECTION 18-33 BY ADDING A SECTION (B105)(a) AND SECTION 18-37 OF THE CODE OF ORDINANCES OF THE CITY OF PORT ARTHUR, AS TO ADOPT THE INTERNATIONAL BUILDING CODE, 2012 EDITION PUBLISHED BY THE INTERNATIONAL CODE COUNCIL INC.; PROVIDING CERTAIN AMENDMENTS THERETO; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A PENALTY FOR VIOLATION BY FINE NOT EXCEEDING TWO THOUSAND DOLLARS, AS PROVIDED IN SECTION 18-43 OF THE CODE OR AS OTHERWISE IMPOSED BY STATE LAW; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE IMMEDIATELY AFTER PUBLICATION.**

**WHEREAS**, the City Council deems it in the best interest of the citizens of the City of Port Arthur to adopt the International Building Code, 2012 Edition, as published by the International Code Council Inc. and may make variations thereof that do not substantially vary from the rules or laws of this State and

**WHEREAS**, the City Council of Port Arthur deems it in the best interest of the citizens of the City to adopt the 2012 International Building Code with the exceptions thereto

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARTHUR TEXAS:**

**Section 1.** That the facts and opinions in the preamble are true and correct.

**Section 2.** That Section 18-31, Section 18-32, Section 18-33 (B-105) (a) and Section 18-37 of the Building Code of Ordinances is amended to read as set forth in Exhibit "A".

**Section 3.** That all ordinances or parts of ordinances in conflict herewith are herein repealed, but only to the extent of said conflict.

**Section 4.** That any person who violates any provisions of this Ordinance or who shall neglect to comply with the terms hereof shall be guilty of a misdemeanor and shall on conviction thereof be fined in any sum not less than One (\$1.00) Dollar nor more than (\$2,000) Dollars as provided in the Code of Ordinances, and each violation shall constitute a separate offense.

**Section 5.** That this Ordinance or its caption and penalty shall be published one (1) time within ten (10) days after final passage hereof in the official newspaper of the City of Port Arthur. This Ordinance shall take effect immediately after date of publication.

**Section 6.** That a copy of the caption of this Ordinance be spread upon the Minutes of the City Council

**READ, ADOPTED AND APPROVED** on this 30<sup>th</sup> day of October A.D., 2012, at a Regular Meeting of the City Council of Port Arthur, Texas, by the following vote: AYES:

Mayor: Prince; Mayor Pro Tem Lewis ;

Councilmembers: Scott, Segler, Busciet ;  
Killeamson, Freeman & ;  
Thomas .

NOES: None .

ATTEST: [Signature]  
CITY SECRETARY

[Signature]  
MAYOR

**APPROVED TO FORM:**

[Signature]  
CITY ATTORNEY  
*on behalf of*

**APPROVED FOR ADMINISTRATION:**

[Signature]  
CITY MANAGER

[Signature]  
DIRECTOR OF CODE ENFORCEMENT

## **EXHIBIT “A”**

## **ARTICLE II BUILDING CODES**

### **SECTION 18-31. ADOPTED**

The International Building Code, 2012 Edition, hereinafter referred to as the "Building Code" as published by the International Building Code Council Inc., is herein adopted as the Building Code of the City of Port Arthur, save and except such portions as are hereinafter deleted, modified, or amended, of which code not less than one (1) copy has been and now is filed in the office of the City Secretary of the City of Port Arthur and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Section shall take effect, provisions thereof shall be controlling within the limits of the City of Port Arthur.

### **SECTION 18-32**

The International Building Code 2012 Edition Appendices, Amendments and Exceptions adopted by this Article, are hereby amended, altered and changed in the following respects:

**Section - 101.2.1 Appendices.** The appendices listed herein are adopted for enforcement.

Appendix "C" (Group U – Agricultural Buildings)

Appendix "D" (Fire Districts)

Appendix "E" (Supplementary Accessibility Requirements)

Appendix "F" (Rodent Proofing)

Appendix "G" (Flood Resistant Construction) Delete Section G105 Variances

Appendix "H" (Signs)

Appendix "I" (Patio Covers)

Appendix "K" (Administrative Provisions)

**Section 101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

**101.4.1 Electrical.** The provisions of the NEC 2011 Electrical Code shall apply to the installation of electrical systems, including the alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

**101.4.2 Gas.** The provisions of the 2012 International Fuel Gas Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

**101.4.3 Mechanical.** The provisions of the 2012 International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

**101.4.4 Plumbing.** The provisions of the 2012 International Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.

**101.4.5 Property maintenance.** The provisions of the 2012 International Property Maintenance Code shall apply to the existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

**101.4.6 Fire prevention.** The provision of the 2012 International Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazards of fire and explosion arising from storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

**101.4.7 Energy.** The current provisions of the International Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

**Section 103** - Department of Building Safety is hereby amended to read as follows:

**103.1- Creation of enforcement agency.** The Code Enforcement Department is hereby charged with the enforcement of this code and the Director of Code Enforcement will be the chief enforcement officer.

**Section 105- Permits,** is hereby amended to read as follows:

**Section 105.1.1** Annual permit is deleted.

**Section 105.1.2** Annual permit records are deleted.

**Section 105.2** Work exempt from permits. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner that violates the provisions of this code or any other laws or ordinances of the City of Port Arthur. Permits shall not be required for the following:

**Buildings:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15m<sup>2</sup>).
2. Oil derricks.
3. Painting, papering, tiling, carpeting, cabinets counters tops, and similar finish work.
4. Temporary motion picture, television and theater stage sets and scenery.
5. Prefabricated swimming pools accessory to Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610mm) deep, do not exceed 5,000 gallons (19000 L) and are installed entirely above ground.
6. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
7. Swings and other playground equipment accessory to one and two family dwellings.
8. Windows awnings supported by an exterior wall of Group R-3, as applicable in Section 101.2, and Group U occupancies.
9. Movable cases counters and partitions not over 5 feet 9 inches (1753) in height.

**Section 105.6 Suspension or Revocation.** The director of code enforcement is authorized to suspend or revoke a permit issued under the provisions of this code wherever this permit is issued in error or on a basis of incorrect, inaccurate or incomplete information, or in violation of the any ordinance or regulation or any of the provisions of this code or the permittee has not complied with the demolition work plan agreement.

**106.1.1.1 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to the Fire Marshal's Office for review.

**Section 110.3 Certificate Issued** is hereby amended to read as follows:

**Section 110.3-** After the Director or his designees inspect the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building inspections, the Director shall issue a certificate of occupancy that shall contain the following:

1. The buildings permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. The name of the building official.
6. The use and occupancy, in accordance with the provisions of Chapter 3.
7. The type of construction as defined in Chapter 6.
8. Any special stipulations and conditions of the building permit.

**Section 112- Board of Appeals is hereby amended to read as follows:**

**Section 112.1 General**

The City's Construction Board of Adjustments and Appeals shall decide and hear all appeals of order made to the Director of Code Enforcement relevant to the application and interpretation of this code. The Board may adopt rules and procedures.

**Section 308.6 Institutional Group I-A, day care facilities.** This group shall include buildings and structures occupied by more than five persons of any age who receive custodial care for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption and in a place other than the home of the person cared for. This group shall include, but not limited to, the following:

- Adult day care
- Child care

**These facilities will be required to have a current a license from the State of Texas to operate; they must also maintain a current Health Inspection from the City of Port Arthur's Health Department, have a Certificate of Occupancy from the City's Building Inspection Division and have a current Fire Inspection from the Fire Department. They must also have an annual inspection performed by the Health Department and the Fire Department in order to maintain their Certificate of Occupancy. Failure to meet the listed criteria will be cause for revocation of the Certificate of Occupancy. Failure to meet any of these requirements will result in the revocation of the City's Certificate of Occupancy.**

**Section 3109 Swimming Pool Enclosures** is hereby amended to read as follows:

**3109.3 Public swimming pools.** Public swimming pools shall be completely enclosed by a fence 6 feet in height or a screened enclosure. Openings in the fence shall not permit the passage of a 4-inch sphere. The fence or screened enclosure shall be equipped with self-closing and self-latching gates.

**Section 3202.3.1** Awnings, canopies, marquees and signs is hereby deleted.

**Section 420 Groups I-1, R-1, R-2, R-3**

**Section 420.4 Automatic Sprinklers Systems.** Group R-3 (One and Two Family dwellings) occupancies shall not be required to be equipped with an automatic sprinklers system as per SB 1410 of the Texas Legislature.

## **Section 18-33**

### **Section B-105, Plan Checking Fee:**

When the valuation of the proposed construction exceeds \$1,000 and plans are required to be submitted per section B-104 2012 International Building Code, a plan checking fee shall be paid prior to the issuance of a building permit. Such plan-checking fee shall be equal to (1/2) of the building permit fee. The plan checking shall be in addition to the building permit fee.

**Section B-105(a):** Prior to the start of any new construction activity a Storm Water Permit shall be issued pursuant to Section 26.040 of the Texas Water Code and Section 402 of the Clean Water Act. Base fee for this permit is \$45.00 per acreage.

### **Section 18-37.** Contractor liability Insurance or bonds

It shall be the duty of every contractor or builder engaged in the business of erecting, construction, enlarging, repairing, moving, improving, converting or demolishing buildings and structures for which a permit is required, and every contractor or builder making such contracts and subletting such structures or any of their parts, to deposit with the City good and sufficient general liability insurance listing the City of Port Arthur as a certificate holder in the amount of a minimum of a \$100,000 for large commercial projects approved by the Director of Community Services/Code Enforcement Director or his designee; conditioned that the person engaged in such business will faithfully observe and conform to the regulations of the City's Building Code and other ordinances of the City in reference to construction, enlargement, repair, moving, improving, removing, conversion or demolition of buildings and structures. The city shall be indemnified and held harmless from all claims, suits, actions and proceedings of every nature and description arising from accidents and damage of any character whatsoever caused by such person or agents or employees engages in such business, on account of failure to conform to the regulations of the City's Building Code and other ordinances of the City in reference to such permitted work.

(1)Contractors who specialize in minor repair work such as roof work, foundation repair work will be required to provide a bond in the amount of \$15,000 approved by the director or his designee conditioned that the person or persons performing the work comply with the regulations of the city's building codes and other ordinances.



Public Notices

Public Notices

Public Notices

**ORDINANCE NO.  
12-08**

An Ordinance Amending Chapter 18 (Buildings), Article II Building Codes Section 18-31, Section 18-32, Section 18-33 By Adding A Section (B105)(a) And Section 18-37 Of The Code Of Ordinances Of The City Of Port Arthur, As To Adopt The Interna-

tional Building Code, 2012 Edition Published By the International Code Council, Inc.; Providing Certain Amendments Thereto; Repealing All Ordinances Or Parts Of Ordinances In Conflict Therewith; Providing A Penalty For Violation By Fine Not Exceeding Two Thousand Dollars, As Provided In Section 18-43 Of The Code Or As Otherwise Imposed By State Law; And Providing For Publication And An Effective Date Immediately After Publication

READ, ADOPTED AND APPROVED on this the 2nd day of October 2012 at a Regular Meeting of the City Council of the City of Port Arthur, Texas by the following vote:

AYES: Mayor Prince;  
Mayor Pro Tem Lewis;  
Councilmembers  
Scott, Segler, Doucet,  
Williamson, Freeman,  
and Thomas.

NOES: None.

/s/ Deloris Prince  
Mayor

ATTEST:  
/s/ Kelly Moore  
Assistant City  
Secretary

EFFECTIVE DATE:  
October 13, 2012

SCANNED

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