

ORDINANCE NO. 15-2064

AN ORDINANCE AMENDING CHAPTER 14 BUILDINGS OF THE CODE OF ORDINANCES OF THE CITY OF LAKE JACKSON, TEXAS, TO ADOPT THE 2014 NATIONAL ELECTRICAL CODE, TO ADD AN ACCESSIBILITY CODE, AND TO AMEND WORDING FOR ELECTRICAL, BUILDING, AND PLUMBING INSPECTIONS; PROVIDING THAT ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH SHALL BE REPEALED TO THE EXTENT OF THE CONFLICT ONLY; PROVIDING FOR A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ch. 1305 of the Texas Occupations Code mandates that the Texas Commission of Licensing and Regulation adopt the latest edition of the National Electrical Code as the electrical code for the State; and

WHEREAS, Ch. 1305 allows municipalities to adopt local amendments to the National Electrical Code.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAKE JACKSON, TEXAS:

Section 1: That Section 14-1(a)(3) shall be amended to read as follows:

(3) *Electrical code.* The 2014 National Electrical Code, including the annexes.

Section 2: That Section 14-1(a)(12) is added to read as follows:

(12) *Accessibility code for multi-family residences.* The 2009 ICC/ANSI A117.1 Accessible and Usable Buildings and Facilities Code.

Section 3: That Section 14-2 shall be amended to read as follows:

Sec. 14-2. Drainage to be provided.

All new construction within the city limits shall be placed on a site which will eliminate low areas beneath buildings and provide complete and proper drainage for the building site and the complete lot.

Section 4: That Section 14-4 shall be amended to read as follows:

Sec. 14-4. Street numbers.

(a) Each main residential, business, commercial and industrial building shall have placed on the front of the building a street number of a size and color legible enough to be seen by the public from the street immediately in front of the building in accordance with the International Fire Code.

(b) It shall be the duty and responsibility of all builders to place these numbers on new buildings.

(c) It shall be the duty of the owners and occupants of every house or building used for residential, business, commerce or industry in the city to place and maintain the numbers on their buildings.

Section 5: That Section 14-27(a) shall be amended to read as follows:

Sec. 14-27. Amendments to code.

(a) The following parts of the 2012 International Building Code are deleted:

(1) The definition of "Height, Building" in Section 102.

- (2) Section 105.1.1 (Annual Permit).
- (3) Section 105.1.2 (Annual Permit Records).
- (4) The permit exception for fences in Section 105.2.
- (5) Section 113 (Board of Appeals).
- (6) Section 116 (Unsafe Structures and Equipment).

Section 6: That Section 14-27(c) shall be deleted for the purpose of moving it to Section 14-217(c).

Section 7: That Section 14-38(c)(B)(2) shall be amended to read as follows:

(2) *Exception.* If the International Fire Code or International Building Code has a stricter square footage or occupancy requirement, then the requirements in the International Fire Code and/or International Building Code shall be followed.

The following accessory structures shall be exempt from fire sprinkler requirements.

- a. Gazebos and ramadas for residential and public use.
- b. Independent rest room buildings that are associated with golf courses, parks and similar uses.
- c. Guardhouses for residential and commercial developments.
- d. Detached non-combustible carports for residential and commercial developments with covered parking less than fifteen thousand (15,000) square feet (1394 m²).
- e. Barns and agricultural buildings for private, residential, non-commercial use, not exceeding one thousand five hundred (1,500) square feet (139.35 m²) with no habitable areas.
- f. Detached storage sheds for private, residential, non-commercial use, not exceeding one thousand five hundred (1,500) square feet (139.35 m²).
- g. Detached one-, two- and three- car garages (without habitable spaces) in existing residential lots for replacement only within four hundred (400) feet hydrant spacing.
- h. Fuel dispensing canopies exceeding fifteen (15) feet in clear height.
- i. Open shade horse stalls of non-combustible construction for private, residential, non-commercial use, not exceeding five thousand (5,000) square feet (464.52 m²) and no storage of combustible products, vehicles, or agricultural equipment.
- j. Detached one-story accessory building used as tool and storage shed of non-hazardous materials, and not exceeding two hundred (200) square feet (11.15 m²).
- k. Special use non-combustible structures as approved by the fire marshal and building official.

Section 8: That Section 14-39(a)(2)(b) shall be amended to read as follows:

- b. The tenant shall keep the devices in working condition and shall refrain from disabling the devices.

Section 9: That Section 14-57(1)

(1) The following parts of the 2014 National Electrical Code are deleted:

- a. Annex H, section 80.15 (Electrical Board)
- b. Annex H, section 80.19(D) (Annual Permits)
- c. Annex H, section 80.27 (Inspector's Qualifications)

Section 10: That Section 14-57(2) shall be deleted.

Section 11: That Section 14-57(3) shall be renumbered as 14-57(2) and shall be amended to read as follows.

- (2) Article 250 Grounding and Bonding. The grounding of an electrical system to a water system shall not be applicable.

Section 12: That Section 14-57(16) and 14-57(17) are deleted.

Section 13: That Section 14-57(16) is added to read as follows:

(16) With respect to commercial and residential ceiling grid and tile systems, all lights, luminaries, and other appurtenances must be suspended independently of the ceiling grid system.

Section 14: That Section 14-62 is amended to read as follows:

Sec. 14-62. Same--Powers to remove wires and turn off current; unsafe conditions, powers of officers.

(a) The Fire Marshall, Fire Chief, Building Official, Electrical Inspector, or one of their designees, shall have the power to immediately cause the removal of all wires or the turning off of all electrical current where the circuits interfere with the work of the fire department during the progress of a fire.

(b) The electrical inspector is hereby authorized and empowered to cause the turning off of electric current from all conductors or fixtures, which, under section 14-101, were not corrected within sixty (60) days after notification of a dangerous or unsafe condition, or which have not been installed in conformity with the provisions of this article; and the corporation, company, partnership, association or individual agent, owner, user or operator has been given sixty (60) days' notice and failed to correct the condition.

Section 15: That Section 14-76 and 14-78 through 14-81 are hereby deleted.

Section 16: That Section 14-82 is hereby amended to read as follows:

Sec. 14-82. Interference therewith.

No person shall interfere with the electrical inspector or any person assisting him. Each such interference shall be deemed to constitute a separate offense.

Section 17: That Section 14-102 is hereby amended to read as follows:

Sec. 14-102. Notice to inspector, certificate of satisfactory inspection, conformity with code.

Upon the completion of the installation of electrical wires and fixtures in any building for the supply and use of electrical energy, it shall be the duty of the person doing the same to notify the electrical inspector, or his assistant, who shall with reasonable speed inspect the same. Upon approval, the electrical inspector shall issue a certificate of satisfactory inspection. No certificate shall be issued unless all fixtures, wires, etc., connected therewith are in strict conformity with the rules and regulations set forth in this article; nor shall electrical current be turned on for any wiring fixture until a certificate of satisfactory inspection is issued. All electrical construction, all material, and all fixtures used in connection with electric work, for the distribution of electrical energy, shall be in conformity with sound engineering practices and the rules and regulations set forth in the electrical code adopted by the city.

Section 18: That Section 14-126 is hereby amended to read as follows:

Sec. 14-126. Miscellaneous prohibitions and regulations.

(a) It shall be unlawful for the owner or occupant of any building or premises within this city to use, or to permit anyone else to use, any privy or water closet on such premises, that is connected with the sewer system of the city, unless the same shall be used in connection with sufficient water flowing into the sewer to keep the pipes connecting such privies or water closets with the sewers free from obstruction.

(b) It shall be unlawful for the owner or occupant of any building where people reside or are regularly employed within reach of the sewer systems as provided by this article to fail to have at least one (1) water closet connected with the city sewer system; except, where two (2) adjoining buildings are owned and operated by the same person, only one (1) connection is required. The building owner or occupant is required to maintain the minimum number of plumbing facilities as required by the building code at all times.

(c) If on account of the distance from the sewer system, any owner is not required to connect with the sewer system as provided in this article, then privies shall be made to conform with city ordinances now in effect or that may be enacted governing sanitation and outdoor privies.

(d) It shall be unlawful for any person to throw or allow to be thrown, or deposited upon the surface of the ground or in any hole in or under the surface of the ground where such premises are within the distance prescribed to be connected with the sewer, any water which has been used for domestic or manufacturing purposes, or any liquid or solid filth, feces or urine, after such 30-day period following the enactment and legal publication of this article.

(e) It shall be unlawful for any person or persons to make or have made any connection with the sanitary sewer system of the city that will permit any surface or drain water from the ground or roof of houses, or the overflowing of cisterns or cesspools, to enter any sanitary sewers, directly or indirectly; provided, however, that the drainage of cellars may be connected with said sanitary sewer system when made in accordance with the regulations in this article and by plans and specifications of the plumbing inspector and under his direct supervision.

(f) The use or specification of air admittance vents shall only be permitted upon written approval of the Building Official.

(g) All grease interceptors greater than 250 gallons will be required to have a Grease Trap Effluent Filter installed on the outlet side of the interceptor.

Section 19: That Section 14-181(a) is hereby amended to read as follows:

Sec. 14-181. Amendments to code.

(a) The following parts of the 2012 International Property Maintenance Code are hereby deleted:

- (1) Section 103.5 (Fees)
- (2) Section 110 (Demolition)
- (3) Section 111 (Means of Appeal)

(b) The sections of the 2012 International Property Maintenance Code are hereby amended as follows:

(1) *Section 108* is amended to add the following:

108.8. *Providing Habitable Units and Structures.* Within 24 hours of the building official posting a notice that a structure or unit is uninhabitable, the tenants of the posted structure or unit must be provided with a habitable unit or structure, if available. The tenants must be allowed to stay in the habitable unit or structure until sufficient repairs are made to the posted unit or structure for the building official to remove the notice. If a habitable unit or structure is not available, then the tenant's rent must be abated until the building official removes the notice.

Exception: (a) When the actions of the tenant cause the unit or structure to be placarded as uninhabitable, the tenant is responsible for finding his own habitable unit or structure to live in.

(b) This section does not apply if the unit or structure is not habitable due to a force majeure event such as a fire, hurricane, flood, or tornado.

108.8.1. This section does not:

(a) Other than the abatement of rent, give a tenant a legal right to violate the terms of his lease;

(b) Give a tenant in an apartment community the right to be moved to a structure or unit in a different apartment community;

(c) Amend or extend the tenant's lease for the uninhabitable unit or structure, other than allowing the tenant to occupy the habitable unit while the uninhabitable unit or structure is being repaired;

(d) State that the owner or operator must give the tenant a new lease for the habitable unit or structure; or

(e) Apply if the tenant is in default of the lease for the uninhabitable unit or structure, whether the tenant goes into default before or after being moved to the habitable unit.

Section 20. That Section 14-217(a) is hereby amended to read as follows:

(a) The following parts of the 2012 International Residential Code are hereby deleted:

(1) The permit exception for fences in Section R105.2.

(2) Section R112 (Board of Appeal).

(3) Section AE301 through AE306 (manufactured Housing Used as Dwellings – Permits, Fees and Inspections).

Section 21. That Section 14-217(c) is hereby added to read as follows:

(c) Section 1004 of the 2012 International Building Code is hereby supplemented as follows:

(1) For purposes of this section:

(a) Square footage of a single-family residential dwelling will be based on the square footage of living area on record with the county appraisal district.

(b) Occupant means any person who occupies a single-family dwelling as that person's principal place of residence, i.e., where such person usually sleeps.

(c) Owner means any person or entity that has legal title, whether singly or jointly, to the single family residential dwelling, or a person who has a right to possession of the single family residential dwelling due to tenancy or other agreement with the legal title owner.

(2) The number of occupants allowed in a single family residential dwelling is one per 200 square feet. For example, for a 2400 square foot house, no more than twelve (12) occupants are allowed.

(3) The building official shall give written notice, either through certified mail or hand delivery, to the owner and/or any occupant over the age of 18, of a violation of this section. The notice shall contain a date when the violation must be corrected. If the violation is not corrected, any person to whom the building official gave a written notice of violation may receive a citation. Each occupant in excess of the maximum number of occupants allowed shall be considered a separate violation.

(4) Variance. An owner that wishes to exceed the maximum number of occupants allowed may appear before city council to request a variance to this section. Factors to be considered by city council include but are not limited to parking, traffic, noise, age of occupants, and number of complaints in the past year related to the single family dwelling and to the owner.

Section 22: Unless otherwise specified in the ordinance, a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Sec. 1-5 of the Code of Ordinances of the City of Lake Jackson. Each day that a violation of this ordinance shall be considered a separate violation.

Section 23: All ordinances or part of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 24: If any part or portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of the ordinance.

Section 25. The City Secretary shall publish the caption of this ordinance within ten (10) days of final passage in the official newspaper of the City. This ordinance shall take effect and be in force five (5) days after publication in accordance with Section 3-15 of the Charter of the City of Lake Jackson, Texas.

PASSED AND APPROVED on first reading on the 16th of March 2015.

PASSED AND ADOPTED on second and final reading this 7th day of April 2015.

Joe Rinehart, Mayor
City of Lake Jackson

ATTEST:

Alice Rodgers
City Secretary

APPROVED AS TO FORM:

Sherri Russell
City Attorney