

CHAPTER 153: INTERNATIONAL CODES

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GENERAL PROVISIONS

§ 153.01 UNSAFE BUILDING ABATEMENT CODE.

(A) This section shall be known and may be cited as the “Standard Unsafe Building Abatement Code Section of the Village of Jones Creek, Texas”.

(B) The Standard Unsafe Building Abatement Code, 1985 Edition, published by the Southern Building Code Congress International, hereinafter “the code”, save and except such portions as are in conflict with Chapter 156 and such portions as are modified in division (C) below, is hereby adopted and incorporated and made a part of this section as fully as if set forth at length herein; and from and after the date on which this section shall take effect, the provisions therein, with the exceptions noted above, shall control the elimination, alteration, construction, removal, demolition, use, and occupancy of any building, structure, or premises which is unsafe or unsanitary or not provided with adequate egress, or

which constitutes a fire hazard, or is otherwise dangerous to human life or which, in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. A true and correct copy of the code has been filed in the office of the Village Secretary/Administrator, and shall be made available to any interested person for inspection and reading upon reasonable request therefor made to the Secretary/Administrator.

(C) The following amendments, deletions, or additions to such code are hereby made and in the event of a conflict with such standard code the following shall apply.

(1) *Section 103.4 - Liability.* Is hereby deleted and is of no force and effect.

(2) *Section 104 - Violations and Penalties.*

(a) Any person, firm, or corporation, or the agent of any of them, who shall violate any provision of this code, as amended by the Standard Unsafe Building Code Ordinance of the village, or fail to comply with this code, as so amended, or any requirement herein, as so amended, or any order of the Building Official made pursuant to this code, as so amended, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500; and each day any such violation continues or occurs shall constitute a separate offense.

(b) In any prosecution under this code, as so amended, in the Municipal Court of the village, or any other court of competent jurisdiction, proof that any person committed an act prohibited by this code, as so amended, or omitted an act required by this code, as so amended, shall be prima facie proof that such act or omission, as the case may be, was done knowingly and intentionally.

(3) *Section 105.1 - Composition.* The Village Council shall sit as the Board of Adjustments and Appeals for the purpose of providing for the final interpretation and enforcement of the provisions of the Standard Code adopted by Ord. 451. When sitting as the members of such Board, the members of the Village Council shall be governed by the procedure contained in the Standard Code.

(4) *Section 105.2 - Officers and Meeting.* As members of the Board of Adjustments and Appeals, the Village Council shall serve without compensation. The Mayor shall serve as the Chairperson and, in the absence of the Mayor, the Mayor Pro Tempore shall serve as alternate Chairperson. The Village Secretary/Administrator shall serve as ex officio Secretary of the Board. The Board of Adjustments and Appeals shall meet at the call of its Chairperson or any three members thereof. Notice of the date, time, and place of any such meeting shall be given by the Secretary in accordance with the state's Open Meetings Act, codified as Tex. Government Code §§ 551.001 et seq.

(5) *Section 105.4 - Records.* The Secretary shall make a detailed record of all proceedings of the Board of Adjustment and Appeals. The record shall set forth the reasons for the Board's decision, the vote of each member participating therein, the absence of a member and any failure of a member to vote.

(6) *Section 105.5 - Procedure.* The Board may establish rules and regulations for its own procedure in addition to, and not inconsistent with, the provisions of this code. The Board shall meet

within ten days after an appeal is filed or at the request of the Building Official when the Building Official desires to have the Board determine whether or not any building or structure complies with the standards set out in this code.

(7) *Section 301.2 - Compliance with Standards: Public Hearing.* If the Building Official has determined that any building, structure, or portion thereof is unsafe, he or she shall call a meeting of the Board of Adjustments and Appeals for the purpose of conducting a public hearing for such Board to make a determination of whether or not such building, structure, or portion thereof fails to comply with the standards set out in this code and is, thereof, unsafe. Notice in writing of the date, time, and place of such hearing shall be given to the record owner, either personally or by certified mail, postage prepaid, and return receipt requested. Attached to such notice shall be a detailed report documenting conditions which, in opinion of the Building Official, renders the building or structure unsafe under the provisions of this code. The provisions of §§ 302.1.2, 302.1.3, 301.1.4, 402, 403, 502, 503, and 504 of this code shall be applicable to such public hearing and notice with the word "owner" being substituted for the word "appellant".

(8) *Item 2 of Section 302.1.1 - Content of Notice.* A statement indicating that the building or structure has been declared unsafe by the Board of Adjustments and Appeals after a public hearing, attaching thereto a copy of the written decision of such Board.

(9) *Section 302.1.4 - Proof of Service.* Proof of service of the notice shall be by written declaration indicating the date, time, and manner in which service was made signed by the person served or by the return receipt.

(10) *Item 1 of Section 303 - Standards for Compliance.* The building or structure shall be repaired in accordance with the applicable building code of the village or demolished at the option of the owner, unless the building or structure is unrepairable, in which event it shall be demolished.

(11) *Definitions.* The following definitions contained in § 202 of the code are hereby amended to read as follows.

APPLICABLE GOVERNING BODY. The Village Council.

BUILDING OFFICIAL. The Building Official appointed pursuant to the International Building Code.

CHIEF APPOINTING AUTHORITY. The Village Council.

OFFICIAL PUBLIC RECORDS. The most current tax roll of the village at the time any notice required by this code is given.

RECORDER. The County Clerk.

UNREPAIRABLE BUILDING OR STRUCTURE. Any building or structure that cannot be repaired because it is a nonconforming use under Chapter 156 and the repair of such building or structure is prohibited by such Chapter.

(12) *Section 601.2.2.* Subsequent to posting the building or structure, the Building Official may cause the building or structure in question to be repaired to the extent required to render it safe, or if the notice required demolition, the Building Official may cause the building or structure to be demolished and all debris to be removed from the premises. This may be done by using employees of the village or by contract with an independent contractor and, if the latter, may consist of an agreement whereby such contractor will demolish the building or structure without further compensation than to keep for the use and benefit of such contractor all salvageable material removed from the premises. Any cost incurred by the village including, but limited to, the wages of employees of the village who perform such work, during or in connection with the repair or demolition of any building or structure, shall be collected in the manner provided in Section 601.2.4 below. In lieu of demolishing such building or structure on the premises, the Building Official may permit such contractor, at such contractor's expense, to remove or cause such building or structure to be removed from the premises to a location within or without the corporate limits of the village under such conditions as the Building Official may prescribe, if agreed to by such contractor in writing. Provided, however, before removing such building or structure, such contractor shall agree in writing to indemnify and hold harmless the village and its officers and employees from any and all claims that might be made against them or any of them arising out of such removal; and if removed to a location within the village, such building or structure must either be demolished or repaired to comply with Chapter 156 and all applicable technical codes of the village, within such time as the Building Official may specify.

(13) *Costs.* Any costs incurred by the village in the repair or demolition of any building or structure shall be assessed against the premises on which such building or structure is or was located by filing with the Recorder for recording in the official records of the county a written statement by the Building Official, subscribed and sworn to and duly acknowledged by the Building Official before a notary public or other officer of the state authorized to administer oaths and take acknowledgments, containing the legal description of the premises, the name or names of the owner or owners, a description of the work performed, the date on which such work was completed, and a statement of the total cost incurred by the village in connection therewith. Upon the filing of such statement, the village shall have a privileged lien on such premises, second only to tax liens and liens for street improvements, to secure the cost of such repair or demolition, together with interest at 10% annum on the total cost incurred from the date such work was completed until paid. For the collection of such cost and interest, suit may be instituted and recovery and foreclosure had in the name of the village. Such recorded statement of the Building Official shall be prima facie proof of the fact and cost of such repair or demolition and the reasonableness thereof.

(D) The Village Council shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the Standard Code adopted by division (B) above.

(E) If the office of Building Official is vacant, the Mayor or his or her designee shall have the powers and shall perform the duties of the Building Official under the provisions of the Standard Code adopted by division (B) above.

(Ord. 262, passed 2-21-1991; Ord. 332, passed 4-15-1999; Ord. 451, passed 2-21-2012) Penalty, see § 153.99

INTERNATIONAL CODES ADOPTED

§ 153.15 SHORT TITLE.

This subchapter shall be known and may be cited as the Village of Jones Creek International Code Subchapter of 2009”.

(Ord. 451, passed 2-21-2012)

§ 153.16 INTERNATIONAL BUILDING CODE.

(A) The International Building Code, 2009, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of the other sections of this chapter, is hereby adopted as the Building Code for the village.

(B) For purposes of the International Code adopted by this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICABLE GOVERNING BODY. The Village Council.

BOARD OF ADJUSTMENTS. The Village Council.

BOARD OF APPEALS. The Village Council.

CHIEF ADMINISTRATOR. The Building Official of the village.

CHIEF APPOINTING AUTHORITY. The Village Council.

(C) The Village Council shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the International Code adopted by division (A) above.

(D) If the office of Building Official is vacant, the Mayor or his or her designee shall have the powers and shall perform the duties of Chief Administrator under the provisions of the International Code adopted by division (A) above.

(E) The following sections of the International Code adopted by division (A) above are hereby revised as follows:

(1) *Section R101.1*. Insert: Village of Jones Creek, Texas;

(2) *Table R301.2(1)*. Insert: Southern Building Code Congress International Standard for Hurricane Resistant Residential Construction (SSTD 10);

(3) *Section P2603.6.1*. Insert: Eighteen inches; and

(4) *Section P3103.1*: Insert: four inches.

(Ord. 451, passed 2-21-2012) Penalty, see § 153.99

§ 153.17 INTERNATIONAL RESIDENTIAL CODE.

(A) The International Residential Code, 2009, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of the other sections of this chapter, is hereby adopted as the Residential Code for the village.

(B) For purposes of the International Code adopted by this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICABLE GOVERNING BODY. The Village Council.

BOARD OF ADJUSTMENTS. The Village Council.

BOARD OF APPEALS. The Village Council.

CHIEF ADMINISTRATOR. The Building Official of the village.

CHIEF APPOINTING AUTHORITY. The Village Council.

(C) The Village Council shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the International Code adopted by division (A) above.

(D) If the office of Building Official is vacant, the Mayor or his or her designee shall have the powers and shall perform the duties of Chief Administrator under the provisions of the International Code adopted by division (A) above.

(Ord. 451, passed 2-21-2012) Penalty, see § 153.99

§ 153.18 INTERNATIONAL EXISTING BUILDING CODE.

(A) The International Existing Building Code, 2009, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of the other sections of this chapter, is hereby adopted as the Existing Building Code for the village.

(B) For purposes of the International Code adopted by division (A) above, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICABLE GOVERNING BODY. The Village Council.

BOARD OF ADJUSTMENTS. The Village Council.

BOARD OF APPEALS. The Village Council.

CHIEF ADMINISTRATOR. The Building Official of the village.

CHIEF APPOINTING AUTHORITY. The Village Council.

(C) The Village Council shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the International Code adopted by division (A) above.

(D) If the office of Building Official is vacant, the Mayor or his or her designee shall have the powers and shall perform the duties of Chief Administrator under the provisions of the International Code adopted by division (A) above.

(Ord. 451, passed 2-21-2012) Penalty, see § 153.99

§ 153.19 INTERNATIONAL PROPERTY MAINTENANCE CODE.

(A) The International Property Maintenance Code, 2009, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of the other sections of this chapter, is hereby adopted as the Property Maintenance Code for the village.

(B) For purposes of the International Code adopted by division (A) above, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICABLE GOVERNING BODY. The Village Council.

BOARD OF ADJUSTMENTS. The Village Council.

BOARD OF APPEALS. The Village Council.

CHIEF ADMINISTRATOR. The Building Official of the village.

CHIEF APPOINTING AUTHORITY. The Village Council.

HOUSING OFFICIAL. The Building Official of the village.

(C) The Village Council shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the International Code adopted by division (A) above.

(D) If the office of Building Official is vacant, the Mayor or his or her designee shall have the powers and shall perform the duties of Chief Administrator and Housing Official under the provisions of the International Code adopted by division (A) above.

(Ord. 451, passed 2-21-2012) Penalty, see § 153.99

§ 153.20 INTERNATIONAL ENERGY CONSERVATION CODE.

(A) The International Energy Conservation Code, 2009, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of the other sections of this chapter, is hereby adopted as the Energy Conservation Code for the village.

(B) For purposes of the International Code adopted by division (A) above, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICABLE GOVERNING BODY. The Village Council.

BOARD OF ADJUSTMENTS. The Village Council.

BOARD OF APPEALS. The Village Council.

CHIEF ADMINISTRATOR. The Building Official of the village.

CHIEF APPOINTING AUTHORITY. The Village Council.

HISTORIC BUILDING. Any building within the village designated as such by Chapter 156.

(C) The Village Council shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the International Code adopted by division (A) above.

(D) If the office of Building Official is vacant, the Mayor or his or her designee shall have the powers and shall perform the duties of Chief Administrator under the provisions of the International Code adopted by division (A) above.

(Ord. 451, passed 2-21-2012) Penalty, see § 153.99

§ 153.21 INTERNATIONAL PLUMBING CODE.

(A) The International Plumbing Code, 2009, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of any other sections of this chapter, is hereby adopted as the Plumbing Code for the village.

(B) For purposes of the International Code adopted by division (A) above, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICABLE GOVERNING BODY. The Village Council.

BOARD OF ADJUSTMENTS. The Village Council.

BOARD OF APPEALS. The Village Council.

CHIEF ADMINISTRATOR. The Building Official of the village.

CHIEF APPOINTING AUTHORITY. The Village Council.

(C) The Village Council shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the International Code adopted by division (A) above.

(D) If the office of Building Official is vacant, the Mayor or his or her designee shall have the powers and shall perform the duties of Chief Administrator under the provisions of the International Code adopted by division (A) above.

(Ord. 451, passed 2-21-2012) Penalty, see § 153.99

§ 153.22 INTERNATIONAL MECHANICAL CODE.

(A) The International Mechanical Code, 2009, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of any other sections of this chapter, is hereby adopted as the Mechanical Code for the village.

(B) For purposes of the International Code adopted by division (A) above, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICABLE GOVERNING BODY. The Village Council.

BOARD OF ADJUSTMENTS. The Village Council.

BOARD OF APPEALS. The Village Council.

CHIEF ADMINISTRATOR. The Building Official of the village.

CHIEF APPOINTING AUTHORITY. The Village Council.

(C) The Village Council shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the International Code adopted by division (A) above.

(D) If the office of Building Official is vacant, the Mayor or his or her designee shall have the powers and shall perform the duties of Chief Administrator under the provisions of the International Code adopted by division (A) above.

(Ord. 451, passed 2-21-2012) Penalty, see § 153.99

§ 153.23 INTERNATIONAL FUEL GAS CODE.

(A) The International Mechanical Code, 2009, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of any other sections of this chapter, is hereby adopted as the Fuel Gas Code for the village.

(B) For purposes of the International Code adopted by division (A) above, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICABLE GOVERNING BODY. The Village Council.

BOARD OF ADJUSTMENTS. The Village Council.

BOARD OF APPEALS. The Village Council.

CHIEF ADMINISTRATOR. The Building Official of the village.

CHIEF APPOINTING AUTHORITY. The Village Council.

(C) The Village Council shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the International Code adopted by division (A) above.

(D) If the office of Building Official is vacant, the Mayor or his or her designee shall have the powers and shall perform the duties of Chief Administrator under the provisions of the International Code adopted by division (A) above.

(Ord. 451, passed 2-21-2012) Penalty, see § 153.99

§ 153.24 NATIONAL FIRE CODE.

(A) The National Fire Code, 2009, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of any other sections of this chapter, is hereby adopted as the Fire Code for the village.

(B) For purposes of the National Code adopted by division (A) above, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICABLE GOVERNING BODY. The Village Council.

BOARD OF ADJUSTMENTS. The Village Council.

BOARD OF APPEALS. The Village Council.

CHIEF APPOINTING AUTHORITY. The Village Council.

CONTAINER. A vessel designed for the storage of flammable or combustible liquids in small quantities.

FIRE OFFICIAL. The Fire Marshal of the village.

MUNICIPALITY. The Village of Jones Creek, Texas.

(C) The Village Council shall from time to time by resolution set any fees for the issuances of any permits required by the provisions of the National Code adopted by division (A) above.

(D) If the office of Building Official or Fire Marshal is vacant, the Mayor or his or her designee shall have the powers and shall perform the duties of Chief Administrator or Fire Official, as the case may be, under the provisions of the International Code adopted by division (A) above.
(Ord. 451, passed 2-21-2012) Penalty, see § 153.99

§ 153.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person, firm, or corporation, or the agent of any of them, who shall violate any provision of the International Code adopted by § 153.01, or fail to comply with such code or any requirement therein or any order of the Building Official made pursuant thereto, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed \$500; and each day any such violation continues or occurs shall constitute a separate offense.

(C) Any person, firm, or corporation, or the agent of any of them, who shall violate any provision of the International Code adopted by §§ 153.16 through 153.23, or fail to comply with such code or any requirement therein or any order of the Building Official made pursuant thereto, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed \$500 or, in the event such violation is a

violation of a provision governing fire safety or public health and sanitation, including dumping of refuse, by a fine not to exceed \$2,000; and each day any such violation continues or occurs shall constitute a separate offense.

(Ord. 451, passed 2-21-2012)