

ORDINANCE NO. 2022-06

AN ORDINANCE OF THE CITY OF BALCONES HEIGHTS, TEXAS AMENDING
CHAPTER 150: BUILDING REGULATIONS SECTION 150.05 ADOPTION OF
INTERNATIONAL CODES BY REFERENCE AND ADOPTING SECTION 150.08
CERTIFICATE OF OCCUPANCY REQUIRED.

WHEREAS, the Community Development Department has reviewed the Codes and find that adopting the 2021 Edition of the International Codes by reference improves the safety of the community; and

WHEREAS, the International Building Code regulates the requirements for obtaining a Certificate of Occupancy; and

WHEREAS, it is the policy of the City to require businesses and commercial property owners to obtain a revised Certificate of Occupancy at the time of change of business ownership or property ownership; and

WHEREAS, this process is not specifically detailed in the City's Code of Ordinances; and

WHEREAS, the City Council recognizes through codes and ordinances and a supportive and active enforcement program aids economic development in creating safe, healthy, and legitimate business development strengthening the reputation and attractiveness of our businesses; and

WHEREAS, the City Council of the City of Balcones Heights now desires to amend Section 150: Building Regulations Section 150.05 Adoption of International Codes and adding Section 150.08 Certificate of Occupancy to specifically state the requirements, memorializing this process and requirement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BALCONES HEIGHTS, 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.

SECTION 2. Amendment. The City of Balcones Heights, Texas, Code of Ordinances, Title XV: Land Use, Chapter 150: Building Regulations, Regulatory Provisions Sections 150.05(A) and 150.08 are outlined below and all other provisions of Chapter 150 shall remain unchanged:

Section 150.05(A) ADOPTION OF INTERNATIONAL CODE BY REFERENCE;
AMENDMENTS.

(A) The following codes are hereby adopted by reference as though fully copied herein at length, including all appendices:

- (1) International Building Code – 2021 Edition;
- (2) International Fire Code – 2021 Edition;
- (3) International Mechanical Code – 2021 Edition;

- (4) International Plumbing Code – 2021 Edition;
- (5) International Property Maintenance Code – 2021 Edition;
- (6) International Fuel Gas Code – 2021 Edition;
- (7) International Residential Code – 2021 Edition;
- (8) International Energy Conservation Code – 2021 Edition;
- (9) National Electrical Code, N.F.P.A. #70, current edition;
- (10) ICC International Existing Building Code and latest edition as revised.

Sec. 150.08 CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall be obtained for any of the following:

- (1) Occupancy and use of a building hereafter erected or structurally altered;
- (2) Change in use of an existing building to a use of a different classification;
- (3) Occupancy and use of vacant land;
- (4) Change in the use of land to a use of a different classification;
- (5) Any major or significant modification, alteration, or change in a nonconforming use;
- (6) Business ownership name change; and
- (7) Property ownership name change.

SECTION 3. Penalty. It shall be unlawful to do or perform any act prohibited in these Articles, and it shall be unlawful to fail to do or perform any act required and penalty shall be as defined in § 10.99 General Penalty.


SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

SECTION 5. Effective immediately following the publication of this ordinance in the local newspaper as required by Section 51.052 of the Texas Local Government Code, the following rules will apply within the corporate city limits of Balcones Heights.

PASSED AND APPROVED this 25th day of July, 2022.


Suzanne de Leon
Mayor

ATTEST:


Delia R. Sanchez
City Secretary

REGULATORY PROVISIONS

§150.05 ADOPTION OF INTERNATIONAL CODES BY REFERENCE; AMENDMENTS.

(A) The following codes are hereby adopted by reference as though fully copied herein at length, including all appendices:

- (1) International Building Code —~~2015~~ 2021 Edition;
- (2) International Fire Code —~~2015~~ 2021 Edition;
- (3) International Mechanical Code —~~2015~~ 2021 Edition;
- (4) International Plumbing Code —~~2015~~ 2021 Edition;
- (5) International Property Maintenance Code —~~2015~~ 2021 Edition;
- (6) International Fuel Gas Code —~~2015~~ 2021 Edition;
- (7) International Residential Code — ~~2015~~ 2021 Edition;
- (8) International Energy Conservation Code —~~2009~~ 2021 Edition;
- (9) National Electrical Code, N.F.P.A. #70, current edition;
- (10) ICC International Existing Building Code and latest edition as revised.

(B) Reference to Code. Where reference is made to the word "Code," it shall mean the code as listed in this section as applicable.

(C) Reference to Board of Appeals in the International Codes. Where reference is made to Board of Appeals, it shall mean the Board of Adjustment.

(D) Contractor registration and bond. It shall be the duty of every contractor who shall make contracts for the installation or repair of buildings for which a permit is required, and every contractor or builder making such contracts and subletting the same or any part thereof, to first register his or her name, residence and place of business, contractor license number, federal I.D. number, state sales tax number and such other information as may be required by the Building Official or Fire Marshal; and it shall be the further duty of every such person, when required by the Building Official or Fire Marshal, to give good and sufficient bond payable to the City of Balcones Heights, Texas, in an amount prescribed by the Building Official or Fire Marshal, conditioned to the contractor's conformance with the building regulations, the regulations of this section and all other applicable federal, state, and local laws and ordinances.

(E) Expiration of permits.

- (1) All work permits issued by the City of Balcones Heights for work under any Code listed in this section shall expire 180 days from the date of issuance, unless before that time, the work authorized under such permit has been completed and accepted by the Building Official or Fire Marshal; or
- (2) Work under any Code listed in this section shall expire 180 days from the date of issuance, unless work is in a continuous, on-going basis until completion; or
- (3) Work permits issued by the City of Balcones Heights under any Code listed in this section shall expire 60 days from the date that any unfinished work for which a permit has been issued has ceased.

(F) Violation of permit condition. The Building Official or Fire Marshal may revoke a permit under the provisions of any Code listed in this section upon determination by the Building Official or Fire Marshal that any condition of the permit has been violated.

(G) Fees and permits.

(1) Special fees as set forth in the city's Fee and Permit Schedule shall apply uniformly to all Codes adopted pursuant to this section.

(a) Double fee. Where work for which a permit is required by the Code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such doubled fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

(2) Fee as set forth in the city's Fee and Permit Schedule are hereby established for obtaining permits from the City of Balcones Heights. All payments will be made by money order or check made out to the "City of Balcones Heights," cash or credit card, and will be paid prior to the start of the particular process or permit for which the fee is charged.

(Ord. 2003-21, passed 9-15-03; Am. Ord. 2005-07, passed 3-14-05; Am. Ord. 2007-31, passed 11-5-07; Am. Ord. 2008-25, passed 12-8-08; Am. Ord. 2011-18, passed 10-10-11; Am. Ord. 2012-04, passed 3-12-12; Am. Ord. 2015-12, passed 6-22-15)

§150.06 REFERENCES TO OFFICIALS.

Within the codes referred to in §150.05, when reference is made to the duties of a certain official named therein, the designated official of the city who has duties corresponding to those of the named official in said Code shall be deemed to be the responsible official insofar as enforcing the provisions of said Code.

(Ord. 5-89, passed 3-20-89)

§150.07 CONSTRUCTION FENCING.

For the purpose of construction within the city, the following items will be required at the time of commencement of construction:

(A) A construction fence that will be designed, constructed, and maintained by the contractor. The fence shall not be constructed of prohibited materials as designated by §153.7.1.3(3)(a)(i) of the zoning ordinance. However, construction fences may be constructed of chain-link, metal mesh, or construction safety mesh barrier fencing.

(B) A portable restroom or port-a-potties to sufficiently service all appropriate personnel. The port-a-potties are prohibited from being placed on a public street, road, alley, sidewalk or right-of-way.

(C) Riprap for all construction entrances.

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(3) Occupancy and use of vacant land;

(4) Change in the use of land to a use of a different classification;

(5) Any major or significant modification, alteration, or change in a nonconforming use;

(6) Business ownership name change; and

(7) Property ownership name change.

(Ord. 2014-09, passed 5-19-14; Am. Ord. 2019-03, sec. 1M, passed 4-29-19)