ORDINANCE NUMBER 1046

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING CHAPTER 150, BUILDING REGULATIONS BY ADOPTING THE 2018 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, REGULATING THE REPAIR, ALTERATION, CHANGE OF OCCUPANCY, CHANGE OF OWNERSHIP, ADDITION TO AND RELOCATION OF EXISTING BUILDINGS EXCEPT ONE AND TWO FAMILY DWELLINGS AND MULTIPLE SINGLE FAMILY DWELLINGS (TOWNHOUSES) IN THE CITY OF BURKBURNETT; PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS IN THE CODE OF ORDINANCES; PROVIDING A PENALTY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City seeks to revitalize areas with existing buildings by providing requirements for repair, alterations and additions to existing buildings; and

WHEREAS, the Board of Commissioners finds that it is in the best interest of the City to adopt the 2018 Existing Building Code, along with local amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, THAT:

That Chapter 150 of the Code of Ordinances of the City of Burk Burnett be amended to read as follows:

SECTION 150.01 STANDARD CODES ADOPTED BY REFERENCE WITH AMENDMENTS

(A) The following code is hereby adopted in the 2018 edition by reference as though they were copied herein fully:

International Existing Building Code (IEBC)

(B) The following codes are hereby adopted in their 2015 editions by reference as though they were copied herein fully:

Subchapter A, Chapter 214, Texas Local Government Code International Codes
International Building Code (IBC)
International Fire Code (IFC)
International Energy Conservation Code (IFCC)
International Fuel Gas Code (IFGC)
International Property Maintenance Code (IPMC)
Part 2. Enacted.
That a certain document, three (3) copies of which are on file in the office of THE CITY OF BURKBURNETT, being marked and designated as the International Existing Building Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the CITY OF BURKBURNETT, in the State of TEXAS for governing requirements for the repair, alteration, change of occupancy, change of ownership, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said International Established Building Code on file in the office of the CITY OF BURKBURNETT are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Part 3 of this ordinance.

Part 3. Revisions
The following sections of the International Existing Building Code are hereby revised:

SECTION 106. CONSTRUCTION DOCUMENTS

Delete as written, insert the following:

[A] 106.1 General

Submittal documents consisting of construction documents, statement of special inspections, geotechnical report, and other data shall be submitted in paper and electronic form with each permit application. Upon the request of the building official and as required by the statutes of The State of Texas. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

SECTION 108. FEES

Delete as written, insert the following:

[A] 108.2 Schedule of permit fees.

See Chapter 156: Land Usage Fee Schedule.
SECTION 108.6 REFUNDS

Delete as written, insert the following:

[A] 108.6 Refunds.

See Chapter 156: Land Usage Fee Schedule.

SECTION 109. INSPECTIONS

Amend to add the following subsection:

[A] 109.7 No alterations without reinspection.

No installations regulated by this code may be altered after it has been inspected without a re-inspection to certify the work is in compliance with adopted codes and ordinances.

SECTION 112. BOARD OF APPEALS

Delete this section as written and insert the following:

[A] 112.1 General.

The Board of Zoning Appeals as noted in the International Building Code Amendments as adopted by the City of Burk Burnett shall be the ruling board for this Code.

SECTION 113. VIOLATIONS

Delete this section as written and insert the following:

[A] 113.4 Violations and penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who repairs or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1000.00) per day or $10 per day if the property is the owner’s lawful homestead. Each day that a violation continues shall be deemed a separate offense.

SECTION 114. STOP WORK ORDER

Delete this section as written and insert the following:

[A] 114.3 Unlawful continuance.

Any person who shall continue any work in or about any structure or property after having been served with a stop work order, except such work as that person is directed by the building official to perform to remove a violation or unsafe condition, shall be subject to and liable to a fine of not more than one thousand dollars ($1,000.00) per day or $10 per day if the property is the owner’s legal homestead. Each day that a violation continues shall be deemed as separate offense.
Amend to add the following section:

SECTION 118. CONTAINMENT OF TRASH AND DEBRIS.

[A] 118.1 Containment of trash and debris.

It is the responsibility of each permit holder and/or each contractor and/or each property owner to make provisions to collect and contain or confine trash, spoils or debris resulting from construction activity, construction workers, or construction machinery, to the property under construction. Trash, paper, building packaging, and other construction related debris or spoils that is placed on or allowed to blow or accumulate outside the property boundaries shall constitute a violation of this section of the city code. At no time shall trash or debris be allowed to blow into the street or right of way or interfere with vehicular traffic. Such violations shall be subject to enforcement provisions as provided for in the building codes and/or the City of Burkburnett Code of Ordinances, including stop work order and/or the revocation of permits and/or fines.

Part 4. Severability
That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The BOARD OF COMMISSIONERS hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

Part 5. Repeal of Conflicting Ordinances
All ordinances or parts of ordinances and sections of any of the City Ordinances in conflict with this Ordinance are hereby repealed.

Part 6. Open Meetings.
It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Part 7. Publication
The City Clerk is authorized and directed to publish the caption and penalty prescribed by this ordinance in accordance with State Law.

Part 8. Effective Date
This Ordinance shall be in force and effect from and after its publication as required by law.
PASSED AND APPROVED ON THIS 18TH DAY OF SEPTEMBER, 2023.

__________________________________________________________________________________

Lori Kemp, Mayor

ATTEST:

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Margie Poole, City Clerk