

## REVISED BUILDING ORDINANCE FOR THE CITY OF TATUM

REVISED 12/8/2014

The 2009 International Building Code adopted on \_\_March12, 2012\_\_\_\_ by the City of Tatum.

*101.1 Title.* These regulations shall be known as the *Building Ordinance of the City of Tatum, Texas*, hereinafter referred to as "this code" or "this ordinance".

*101.2. Building Code.* The 2009 International Building Code is hereby adopted in its entirety.

*101.3 Electrical.* The 2008 National Electrical Code is hereby adopted in its entirety.

*101.4 Property maintenance.* The provisions of the Code of Ordinances of the City of Tatum, Texas shall apply to 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. Any references in this code to the International Property Maintenance Code shall be construed to refer instead to the aforesaid code of ordinances.

*101.5 Addresses.* Approved numbers and addresses shall be provided for all new and existing buildings so that the number is plainly visible and legible from the street or roadway.

*101.6 Referenced codes and standards.* The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each reference. Where NFPA Standards are referenced in this code, the most current effective edition of that referenced standard shall apply. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

*102.1 Required.* Any owner or licensed contractor who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit. The required permit is in addition to any other license or permit required by law, including without limitation any required contractor's license.

In the event the planned work is to be done entirely by a private property owner or where the total estimated costs of the planned improvements shall be \$30,000 or less, the owner will be required to obtain a building permit and submit a site plan for review, in conjunction with the appropriate fees. All other submittals, permits and fees required by this Ordinance shall be waived.

#### *102.1.1 Contractor's license categories.*

*102.1.1.1 Commercial contractor (restricted).* This category of license authorizes the license holder to construct or to supervise or manage the construction of any structure except a one or two-family dwelling. For purposes of this license restriction, a one or two-family dwelling includes, without limitation, (1) the real property and improvements and appurtenances for such a dwelling; (2) any material improvement to such a dwelling; and (3) any improvement to the interior of an existing one or two-family dwelling.

*102.1.1.2 Home builder (restricted).* This category of license authorizes the license holder to construct or to supervise or manage the construction solely of (1) a one or two-family dwelling, including without limitation the real property and improvements and appurtenances for such a dwelling; (2) a material improvement to such a dwelling; or (3) any improvement to the interior of such a dwelling. This license requires the license holder to submit to the City of Tatum a surety bond of no less than \$15,000.00, with the City of Tatum shown as the certificate holder and the license holder listed as home builder.

*102.1.1.3 Renovation contractor (restricted).* This category of license authorizes the license holder to construct or to supervise or manage the construction solely of an improvement to an existing one or two-family dwelling that meets all of the following criteria: (1) the valuation of the improvement to the dwelling is \$20,000.00 or less; and (2) the improvement to the dwelling does not increase the square footage of the existing dwelling. This license requires the license holder to submit to the City of Tatum a surety bond of no less than \$15,000.00, with the City of Tatum shown as the certificate holder and the license holder listed as renovation contractor.

*102.1.1.4 Combination builder (unrestricted.)* This category of license authorizes the license holder to engage in construction, renovation and/or repair and to supervise or manage the construction, renovation and/or repair of any structure, including without limitation one and two- family dwellings, commercial structures, swimming pools, hot tubs and spas. This license requires the license holder to submit to the City of Tatum a surety bond of no less than \$15,000.00,



with the City of Tatum shown as the certificate holder and the license holder listed as combination builder.

*102.1.2 Contractor's license and fee.* Each and every business entity or individual who, for a fixed price, commission, fee, wage, or other compensation, constructs or supervises or manages the construction of any structure for which a permit is required within the City of Tatum shall obtain the appropriate category of contractor's license and pay an annual license fee to the City of Tatum in the amount set by resolution of the City Council.

*102.1.3 Registration by Building Official.* The Building Official shall register the name of each licensed contractor or builder, giving the name, residence, type of license held and place of business and in case of any subsequent change, the Building Official shall make a corresponding change in the Building Official's records.

*102.1.3.1 Registration of State Licensees.* Each Responsible Master Plumber, Master Electrician, Master Sign Electrician, Licensed Irrigator and A or B Air Conditioning and Refrigeration Licensee shall register with the Building Official on a form prescribed by the Building Official and shall provide such proof as the Building Official shall reasonably require that the person meets the current applicable State of Texas license and insurance requirements. The Building Official may require that every such person register in person. Unless otherwise required by state law, each such registrant shall pay a registration fee to the City of Tatum in the amount set by resolution of the City Council. Additionally, each such person shall re-register annually with the Building Official by or before the date on which said person's state license expires and each such re-registration shall be accompanied by the annual registration fee set by resolution of the City Council.

*102.1.4 Exemption for owners.* Persons erecting, constructing, or repairing buildings on their own residential homesteads, as reflected by public records, or other property under their ownership, are exempt from the licensing provisions hereof; provided that a permit as required herein shall have first been obtained by such person; and provided that such person shall have complied with all other requirements of this code except the licensing provisions.

*102.1.5 Revocation of contractor's license.* A contractor's license issued pursuant to this code may be denied or revoked by the Building Official for the following reasons:

(1) it has been determined that an applicant for a license or a contractor or builder holding a license knowingly gave false or misleading information on his or her application.

(2) the contractor or builder holding a license has been finally convicted of a violation of this code.

(3) the contractor or builder applying for or holding a license has been finally convicted of a felony or misdemeanor crime which directly relates to the duties and responsibilities of the licensed occupation.

In determining whether a criminal conviction directly relates to the licensed occupation, the Building Official shall consider:

(1) the nature and seriousness of the crime;

(2) the relationship of the crime to the purposes for requiring a license to engage in the occupation;

(3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously has been involved; and

(4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensed occupation.

In addition to the other factors that may be considered under this section, the Building Official, in determining the present fitness of a person who has been convicted of a crime, shall consider the following evidence:

(1) the extent and nature of the person's past criminal activity;

(2) the age of the person at the time of the commission of the crime;

(3) the amount of time that has elapsed since the person's last criminal activity;

(4) the conduct and work activity of the person prior to and following the criminal activity;

(5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release;

(6) other evidence of the person's present fitness, including letters of recommendation from: prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the person; the sheriff and Chief of Police in the community where the person resides; and any other persons in contact with the convicted person; and



(7) it shall be the responsibility of the applicant to the extent possible to secure and provide to the Building Official the recommendations of the prosecution, law enforcement, and correctional authorities as required under this ordinance; the applicant shall also furnish proof in such form as may be required by the Building Official that he or she has maintained a record of steady employment and has supported his or her dependents and has otherwise maintained a record of good conduct and has paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases in which he or she has been convicted.

Any revocation of a contractor's license under this Section 102.1.4 shall be for a minimum period of 30 days up to a maximum period of one year, within the discretion of the Building Official. If the Building Official suspends or revokes a valid license or denies a person a license or the opportunity to be examined for a license because of the person's prior conviction of a crime and the relationship of the crime to the license, the Building Official shall notify the person in writing:

- (1) of the reasons for the suspension, revocation, denial, or disqualification;
- (2) of the review procedure provided by Section 102.1.5; and
- (3) of the earliest date that the person may appeal.

*102.1.6 Appeal of license revocation.* A decision of the Building Official to revoke a contractor's license may be appealed to the Board of Adjustments by giving written notice of intent to appeal said decision to the Building Official within ten calendar days from the date the contractor or builder is notified of the revocation of the license. Such notice shall contain the reason or reasons why the Board should reverse or modify the decision of the Building Official. Failure to state reason(s) shall result in the termination of the appeal.

Upon receipt of said notice of intent to appeal, the Building Official shall schedule a meeting of the Board of Adjustments to consider such appeal. Such meeting shall be held within ten calendar days of the Building Official's receipt of the notice of intent to appeal, unless the contractor or builder requests a longer period of time.

At the hearing set for such appeal, the Board of Adjustments shall receive evidence submitted by the appellant concerning the reason or reasons for reversal or modification as stated in the notice of intent to appeal, and shall also receive evidence from the Building Official as to why the license revocation should be sustained. The Board shall render a decision sustaining, amending, or reversing the decision of the Building Official based upon the evidence present at the hearing.

**103.1 General.** The Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days; except that permits for temporary structures shall not exceed 30 days. Temporary Structure Permits are not renewable. Temporary Structure Permits may be reissued for the same location only after the expiration of 30 days after the expiration of any previous Temporary Structure Permit for the same location. Any permit requested under this section may be denied if the proposed structure or use violates any other provision of law, whether federal, state or local. The Building Official is authorized to grant extensions of a permit issued under this section upon demonstration of good cause; provided, however, that the Building Official may extend a Temporary Structure Permit for no longer than a period of 10 days past the original expiration date of said permit.

**104.1 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, plumbing systems, medical gas and vacuum systems or alterations to any of these requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule established by resolution of the City Council of the City of Tatum. A permit may be denied or revoked by the Building Official for failure to pay any such permit fees or any related fees imposed by ordinance or resolution of the City Council.

**104.2 Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical, plumbing system, or medical gas and vacuum system before obtaining the necessary permits shall pay twice the usual permit fee for each permit required for said work but not obtained before commencement of said work.

**104.3 Related fees.** The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law, including without limitation any fees that may be prescribed by ordinance or by resolution of the City Council of the City of Tatum.

**104.4 Responsibility for inspections.** Each permit holder shall be responsible for obtaining any and all inspections required under this code. The Building Official or other appropriate official of the city may deny any additional permit or permits required for a project until all inspections required for the project have been obtained

**105.1 Development in flood hazards area.** Development in all flood hazardous area shall be in accordance with Flood Damage Prevention Ordinance 2010-06, as amended.



*106.1 Use and occupancy.* No building or structure shall be used or occupied, and no change in the occupant, the ownership or the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or other ordinances of the jurisdiction.

*106.2 Posting of a certificate of occupancy.* Where a certificate of occupancy is required, said certificate shall at all times be posted in a conspicuous place near the main entrance of the building or structure for which said certificate is required. The occupant shall be responsible for compliance with this section.

*106.3 Definitions.* As used in this code, the terms defined in this section shall have the meanings set forth herein unless another meaning is required by the context. The term "occupant" shall mean the person, corporation or entity (as the case may be) occupying a building or structure. The term "occupancy" shall refer to the type of use for which a structure or building is used.

*107.1 Board Of Adjustments* shall hear and decide appeals of orders, decisions and determinations made by the Building Official relative to the application and interpretation of this code.

*107.2 Definitions.* All references to the Board of Adjustments shall be construed to refer to the City Council of the City of Tatum as established by the minutes of the meeting of July 15, 2013. All references to the Construction Board of Adjustment and Appeals shall be construed to mean the aforementioned Board Of Adjustments. All references in this code to the board of appeals shall be construed to mean the aforementioned Board of Adjustments.

*107.3 Notice of Appeal.* Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the Building Official. Appeals shall be in a form acceptable to the Building Official. The fee for filing such an appeal shall be as set by resolution of the City Council. During the pendency of the appeal, the ruling of the Building Official shall be in full force and effect.

*107.4 Meeting to hear appeal.* Board of Adjustments shall meet within thirty (30) calendar days after notice of appeal has been received. However, the Board may extend the time for the hearing if the facts and complexities of the issues so warrant or if the person making the appeal requests in writing at or before the time of the hearing that he be granted additional time to prepare his appeal. If such person fails to make his appearance at the proper time and place to present his appeal, then such appeal shall be dismissed by the Board. All decisions by the Board are final.

*108.1 Violation penalties.* Any person, firm, corporation or agent who violates a provision of this code or fails to comply with any of the requirements of this code or who erects, constructs, alters, repairs, demolishes or moves any structure in violation of the construction documents submitted to and approved by the Building Official, in violation of the directive of the Building Official or the Building Official's designee, or in violation of a permit or certificate issued under the provisions of this code shall be guilty of a Class 1 misdemeanor punishable by a fine of not more than \$2,500.00 dollars. Such fine shall be at the discretion of the City of Tatum Municipal Court as defined by Resolution 2012-2.

*109.1 Substandard structures.* Any structure that is a dangerous building or structure as defined by Ordinance 97-05 dated 9/15/1997 of the Tatum City Code and to any other rules, regulations, or ordinances as may now exist or may hereafter be adopted by the City of Tatum to regulate dangerous, unsafe, or substandard buildings or structures.

*110.1 Scope.* The provisions of this chapter shall control the design and construction of facilities for accessibility to physically disabled persons.

*110.2 Design.* Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC/ANSI A117.1. The provisions of the Texas Architectural Barriers Act (Chapter 469 of the Texas Government Code), and any rules adopted under the authority of that act (including without limitation the Texas Accessibility Standards and the rules found in Title 16, Texas Administrative Code, Chapter 68) shall apply as prescribed in said act and rules and shall be considered a part of this code as if copied in full herein. In case of a conflict between the provisions of the Texas Architectural Barriers Act or the rules adopted under the authority of said act and the other provisions of this code, the stricter provisions shall prevail. For purposes of this section, the term "stricter provisions" shall mean the provision or provisions which result in greater access for physically disabled persons to the facility or facilities in question.

*111.1 Retaining Walls.* Retaining walls used for the purpose of holding back soil or for the control of erosion shall be constructed of reinforced concrete or of keystone systems; provided, however, that such a retaining wall is not required to be constructed of reinforced concrete or of a keystone system if the wall is constructed in accordance with an engineer's design with the designing engineer's seal affixed.

*112.1 Definitions.* The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein:

*PUBLIC SWIMMING POOL:* The term "public swimming pool" shall mean any "pool" as defined by the Texas Department of State Health Services Standards for Public Pools and Spas, 25 Texas Administrative Code, §§ 265.181 – 265.208,



as amended. In particular, the definition of said term is set forth in 25 Texas Administrative Code, § 265.182 (99), as amended.

**RESIDENTIAL SWIMMING POOL:** The term "residential swimming pool" shall mean any structure that is a "residential pool or spa" as defined by the Texas Department of State Health Services Standards for Public Pools and Spas, 25 Texas Administrative Code, §§ 265.181 – 265.208, as amended. See 25 Texas Administrative Code, § 265.182 (113), as amended, for the definition of "residential pool or spa."

**SWIMMING POOL:** Unless otherwise indicated by context, the term "swimming pool" shall mean any "public swimming pool" and any "residential swimming pool" as those terms are defined in this section.

**112.2 Public swimming pools.** Public swimming pools shall be enclosed as required by the Texas Department of State Health Services Standards for Public Pools and Spas, 25 Texas Administrative Code, §§ 265.181 – 265.208, as amended.

**112.3 State law.** In addition to the requirements of this code, swimming pools shall meet any applicable requirements of Texas law.

**113.1 Effective Date.** *This ordinance shall take effect immediately from and after its passage and publication of the caption, as the law in such case provides.*

***PASSED and Approved by the City Council of the City of Tatum on  
This 8<sup>th</sup> day of December, 2014.***

Approved: \_\_\_\_\_

Phil Cory, Mayor

ATTEST: \_\_\_\_\_

Shelly Williams  
City Secretary

***Amended 12/8/2014:***

***102.1 Required.*** Any owner or licensed contractor who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit. The required permit is in addition to any other license or permit required by law, including without limitation any required contractor's license.

In the event the planned work is to be done entirely by a private property owner or where the total estimated costs of the planned improvements shall be \$30,000 or less, the owner will be required to obtain a building permit and submit a site plan for review, in conjunction with the appropriate fees. All other submittals, permits and fees required by this Ordinance shall be waived.