

AN ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, ADOPTING THE UNIFORM BUILDING CODE, THE UNIFORM PLUMBING CODE, THE NATIONAL ELECTRICAL CODE, THE UNIFORM FIRE CODE, AND THE UNIFORM MECHANICAL CODE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; PROVIDING FOR BUILDING OFFICIAL, BUILDING PERMITS, CERTIFICATE OF OCCUPANCY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICT CLAUSE; PROVIDING FOR FINE FOR VIOLATION OF THIS ORDINANCE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE, PROVIDING FOR PUBLICATION AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Weston City Council finds that minimum construction standards are necessary to protect the health, safety and welfare of the citizens of Weston;

WHEREAS, the Weston City Council finds that certain good operational policies of the City and its Building Official need to be approved and adopted by the City; and

WHEREAS, the adoption of model codes of construction which have been used and recognized throughout the United States is the most efficient and prudent manner to establish minimum construction standards in the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS:

SECTION 1. TITLE.

This Ordinance shall be known as "THE CITY OF WESTON BUILDING CODE."

SECTION 2. ADOPTION OF UNIFORM BUILDING CODE.

That certain code volume and volume of code standards being marked and designated as "Uniform Building Code", (and Uniform Building Code Appendixes) and the "Uniform Building Code Standards", published by the International Conference of Building Officials, 1997 Edition, as published, republished, or amended from time to time, be and the same is hereby adopted as the Building Code of the City of Weston, Texas, for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures within the corporate limits of the

City of Weston. A copy of such Building Code and Building Code Standards shall be maintained at all times in the office of the City Secretary and in the office of the Building Inspector.

SECTION 3. SPECIFIC AMENDMENT TO UNIFORM BUILDING CODE.

The Uniform Building Code and all appendices are hereby adopted with the following exceptions:

- A. Omit Table 3A.
- B. Omit grading fees 70-A & 70-B.

SECTION 4. UNIFORM PLUMBING CODE.

The City of Weston hereby adopts the Uniform Plumbing Code, 1997 Edition, as published, republished, or amended from time to time, as published by the International Conference of Building Officials.

SECTION 5. NATIONAL ELECTRICAL CODE.

The City of Weston hereby adopts the National Electrical Code, 1996 Edition, as published, republished, or amended from time to time, as promulgated by the National Fire Protection Association with the exception that all electrical installations in the City of Weston shall utilize twelve (12) gauge copper wire or larger, and to provide a minimum of 15 amp service per line except for chimes, thermostats and other low voltage appliances.

SECTION 6. UNIFORM FIRE CODE.

The City of Weston hereby adopts the Uniform Fire Code and the Uniform Fire Code Standards, 1997 edition, as published, republished, or amended from time to time, as promulgated by the National Fire Protection Association, without exception and the same shall apply to all structures that are built, renovated, or to which additions are made in the City of Weston.

SECTION 7. UNIFORM MECHANICAL CODE.

- A. Adoption. The Uniform Mechanical Code, 1997 Edition (herein called "UMC"), as published, republished, or amended from time to time, as adopted and published by the International Conference of Building Officials (ICBO), is herein adopted and designated, together with the additions, deletions, and amendments hereinafter

contained, as the Mechanical Code of the City, the same as though such code were copied at length herein.

B. Intent and Purpose. The purpose of this Code is to provide minimum standards to safeguard life, limb, health, property and the public welfare by regulating and controlling the design, construction, installation, qualify of materials, location, operation, and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances.

C. Amendments, Additions and Deletions of the Uniform Mechanical Code. The adoption by reference of the Uniform Mechanical Code, as provided in Section 7-A hereof, is made subject to and is modified and amended as follows:

1. Section 203 is amended to read as follows:

The Board of Adjustment shall act as a board of appeals as provided in Chapter 2 of this Code.

2. Section 304 is amended to read as follows:

Any person, firm or corporation desiring a building permit as required by this Code shall at the time of permit application pay a fee. Fees shall be adopted from time to time by resolution of the City Council.

3. Section 421 is amended to add the following definition:

"SHALL", as it applies to an act or duty to be performed by the Building Official pursuant to any section of this Code, is discretionary. Its use in all other applications in this Code shall be mandatory.

4. Section 1002(a) Exceptions is amended to add the following:

Where materials exposed within ducts or plenums and having a flame-spread rating of more than 25 or a smoke-developed rating of more than 50 are a part of an Existing Mechanical System, the Building Official may allow identical or similar materials to be installed within such ducts or plenums when he has determined that to do so will not establish or contribute to an undue hazard.

5. Section 2003(k) is amended to read as follows:

In a commercial or institutional kitchen ventilation system, the fire extinguishing system shall be tested by an approval agency in the presence of the Building Official. The fire extinguishing system shall be approved by the Building Official on the basis of the test results.

SECTION 7. LIFE SAFETY CODE.

The Town of ^{Weston}~~St. Paul~~ hereby adopts the Life Safety Code, 1997 Edition, as published by the National Fire Protection Association (NFPA) as republished or amended, as the Life Safety Code of the City, the same as though such Code were copied at length herein.

SECTION 8. BUILDING OFFICIAL.

The Office of Building Official is hereby established by the City of Weston. The Building Official shall have the duties of conducting all inspections for the construction of buildings, structures, and refurbishing and remodeling of same, to insure that said buildings and structures comply with the Ordinances of the City. If the Building Inspector determines that the Building Code of the City has been violated, and if, after reasonable notice, the violation has not been corrected, then the Building Inspector will issue a citation for the violation in the form of a complaint by the City of Weston based on the violation and cause same to be prosecuted in the municipal court of the City.

SECTION 9. BUILDING PERMIT.

- A. Application for Building Permit. All persons desiring to construct, refurbish, remodel, demolish or improve any building or structure with intent to change structural design or change square footage within the corporate limits of the City of Weston shall make application for a building permit for said structure with the City Secretary. All applications for building permits shall be accompanied by a site plan in duplicate together with such additional copies as the Building Official determines to be necessary for review by other administrative officers and agencies; shall be drawn to scale, showing the actual dimensions and shape of a lot to be built upon, the exact size and location of the building on the lot already existing, if any, and the location and dimensions of proposed buildings, structures or alterations, the location of the one hundred (100) year flood plain, if any, as established by the Federal Emergency Management Administration (FEMA) or a certificate that none of the lot lies within the one hundred (100) year flood plain as established by FEMA, and the elevation of the finished first floor grade of any residential structure which shall be at least one foot (1') above the elevation of the one hundred (100) year flood plain. Any application shall include such other information as lawfully may be required by the City Secretary, including: a copy of trade licenses of the general contractor or sub-contractors, existing or proposed uses of the building or structure and land; conditions existing on the lot; and such other matters as may be necessary to determine conformance with the City's Zoning and Subdivision Control Ordinance, and provide for the enforcement of these regulations.

- B. Issuance of Building Permits. Building permits are to be issued by the City Secretary upon the approval of the City Building Official. All new construction of buildings, structures, fixed or movable, remodeling or refurbishing or demolishing of same; swimming pools; mobile homes; prefabricated structures; portable buildings; outbuildings over one hundred square feet; and all other buildings or structures within the corporate limits of the City must comply with this Ordinance; and a building permit will be issued only when such compliance is assured. No placement, construction, remodeling, refurbishment or demolition of construction of any kind of any building or structure may be commenced prior to the issuance of a building permit.
- C. All building permits are valid for one (1) year from the date of issue. Any renewal or extension of a building permit shall not be for more than six (6) months. The fee for an extension of a building permit shall be one-half (1/2) of the original fee paid for the building permit.
- D. A person's ability to secure building permits may be suspended by the Building Official for a specified period of time not to exceed one hundred eighty (180) days for any of the following causes:
- (1) The person fails to finalize permits by obtaining the required inspections;
 - (2) The person allows use or occupancy of the structure or facility without first obtaining the required authorization or certificate;
 - (3) The person has been found to have been grossly negligent in the performance of his work; or
 - (4) Expiration, suspension or revocation of required license, bond or insurance.

The suspension specified herein may be extended by the Building Official. The affected person may appeal any suspension to the Weston Board of Adjustments.

SECTION 10. BUILDING PERMIT FEE SCHEDULE.

The City Council may from time to time set building permit fee schedules by resolution when the Council determines that such changes in the schedule of fees are necessary for the effective administration and enforcement of the building codes adopted by the City.

SECTION 11. CERTIFICATE OF OCCUPANCY.

In order to insure that all new construction and the use of all existing structures comply with the Weston Building Code, a Certificate of Occupancy shall be required in accordance with the following rules:

- A. Application for Certificate of Occupancy. Any person who proposes to use a building or structure located within the City of Weston, Texas, after the effective date of this ordinance, shall file an application for a Certificate of Occupancy in the office of the City Secretary on forms provided by the City Secretary. Upon approval by the Building Official of said City, a Certificate of Occupancy shall be issued stating that the building and proposed use of a building complies with the Building Code Ordinance and the City's Zoning and Subdivision Control Ordinance. A permanent record of all Certificates shall be kept on file in the office of the City Secretary and copies shall be furnished, on request, to any person having proprietary or tenancy interest in the building or structures affected.
- B. Certificate to Establish New Use of Property. No vacant land or building shall be occupied or used by any person, except for agricultural purposes, until a Certificate of Occupancy has been issued in accordance with this section.
- C. Time of Application and Issuance. A person desiring a Certificate of Occupancy shall apply for it at the time that an application for a Building Permit is made; and said Certificate of Occupancy shall be issued within ten (10) days after the erection or structural alteration of a building or structure has been completed in conformity with the applicable ordinances of the City.
- D. Definition. A person, for the purpose of this section, shall be defined as a person, a corporation, a non-profit corporation, a partnership, a joint venture, an association or any other legal entity.

SECTION 12. PENALTY.

Any person who shall violate any provision of the Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00). Each day of non-compliance shall constitute a separate offense punishable by the same fine.

SECTION 13. CONFLICTS.

All ordinances and provisions of the City of Weston, Texas that are in conflict with this Ordinance shall be and the same are hereby repealed, and all ordinances and provisions of ordinances of said City not so repealed are hereby retained in full force and effect.

SECTION 14. SEVERABILITY.

It is the intent of the City Council that each paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be deemed severable, and should any such paragraph, sentence, subdivision, clause, phrase, or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to effect the validity of those provisions of this Ordinance left standing.

SECTION 15. PUBLICATION.

In accordance with Section 52.011 of the Local Government Code, the caption of this Ordinance shall be published in every issue of the official newspaper of the City for a period of ten (10) days but not more than twice during the said ten (10) day period.

SECTION 16. EFFECTIVE DATE

This Ordinance will be effective upon publication.

ADOPTED by the City Council of the City of Weston, Texas on this the 12th day of May, 1998.

APPROVED:

by: Kenneth R. Cowan
Kenneth R. Cowan, Mayor

ATTEST:

Amy L. Jones
City Secretary

APPROVED AS TO FORM:

John E. Rapier
John E. Rapier, City Attorney