

ORDINANCE NO. 2005-00140

AN ORDINANCE AMENDING ARTICLES I AND II OF CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS WITH REGARD TO ADOPTION OF THE 2003 INTERNATIONAL BUILDING CODE AND PROVIDING FOR CERTAIN AMENDMENTS TO MEET LOCAL CONDITIONS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, it is the opinion of the City Council that the best interests of the citizens of the City of Lubbock would be served by adopting the 2003 International Building Code for the City of Lubbock with certain amendments to meet local conditions; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT Chapter 6, Article I of the Code of Ordinances of the City of Lubbock is hereby deleted in its' entirety, and the following substituted therefore:

ARTICLE I. GENERAL PROVISIONS

Sec. 6-1. Title.

The regulations contained in Articles I through IX of this Chapter shall be collectively known as the Building Code of the City of Lubbock, hereinafter referred to as "this code".

Sec. 6-2. Scope.

The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures, as well as the construction, alteration, movement, enlargement, replacement, repair, maintenance, removal and demolition of building systems governed by the specific technical codes referenced in the following Articles of this Chapter:

Article II: The 2003 International Building Code, as amended;

Article III: The 2003 International Plumbing Code, as amended;

Article IV: The 2003 International Mechanical Code, as amended;

Article V: The 2003 ICC Electrical Code, as amended;

Article VI: The 2000 International Residential Code, as amended;

Article VII: The 2003 International Fuel Gas Code, as amended;

Article VIII: The 2003 International Energy Conservation Code, as amended;

Article IX: The 2003 International Existing Buildings Code, as amended.

The general administrative provisions of this Article I are applicable to all work governed by the provisions of Articles II-IX. Supplemental administrative provisions applicable to the specific technical documents adopted in Articles II-IX of this chapter are included within the applicable Article, as are the technical provisions pertaining to that class of work. Articles III-VIII, as they existed on the date of adoption of this ordinance, shall continue in full force and effect until such time as the specific technical codes referenced above are individually adopted.

Sec. 6-3. Appendices.

Provisions in the appendices of the technical codes shall not apply unless specifically set forth in the applicable Article.

Sec. 6-4. Intent.

The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

Sec. 6-5. Referenced codes.

The technical codes listed in Section 6-2 above and adopted in Articles II through IX shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where a conflict is determined to exist between said codes and the provisions of this Article, the provisions of the more specific code will generally govern, subject to approval of the building official.

Sec. 6-6. General Applicability.

Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Sec. 6-7. Other laws.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

Sec. 6-8. Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

Sec. 6-9. 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 such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

Sec. 6-10. Partial invalidity.

In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

Sec. 6-11. Existing structures.

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Property Maintenance Code or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

Sec. 6-12. Creation of enforcement agency.

The Department of Building Inspection is hereby created and the official in charge thereof shall be known as the building official.

Sec. 6-13. Appointment.

The building official shall be appointed by the chief appointing authority of the jurisdiction.

Sec. 6-14. Deputies.

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

Sec. 6-15. General duties and powers of the building official.

The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. The building official shall have authority as necessary in the interest of public health, safety and general welfare to adopt and promulgate rules and regulations to interpret and implement the provisions of this code.

to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering practice involving public safety.

Sec. 6-16. Applications and permits.

The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

Sec. 6-17. Notices and orders.

The building official shall issue all necessary notices or orders to ensure compliance with this code.

Sec. 6-18. Inspections.

The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

Sec. 6-19. Identification.

The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

Sec. 6-20. Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry. When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.

Sec. 6-21. Department records.

The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

Sec. 6-22. Liability.

The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

Sec. 6-23. Approved materials and equipment.

Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

Sec. 6-24. Used materials and equipment.

The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

Sec. 6-25. Modifications.

Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building inspection.

Sec. 6-26. Alternative materials, design and methods of construction and equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

Sec. 6-27. Research reports.

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

Sec. 6-28. Tests.

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

Sec. 6-29. Registration of contractors required.

No permit for work required by this code shall be issued to any contractor or other person unless such contractor or person is registered with the building official of the city in accordance with the following provisions:

Exceptions:

- 1) No registration shall be required for a homeowner seeking a permit to perform authorized work on his/her existing primary personal residence (homestead), provided that the homeowner and/or an immediate family member personally performs the work and no such person holds himself out as providing contracting services for the public. Any such homeowner seeking to construct his own home, including the installation and setup of any moved building or manufactured home, shall be required to be registered as a contractor.
- 2) No registration shall be required for a building owner seeking a permit to perform authorized work on rental residential property owned by him, or on business

property owned and occupied by him, provided that he personally performs the work and does not hold himself out as performing contracting services for the public.

- 3) No registration shall be required for full-time building maintenance personnel seeking a permit to perform authorized work on a commercial building owned and occupied by persons employed by the same company or organization, provided that they do not hold themselves out as performing contracting services for the public.
- 4) The building official may require any proof deemed necessary to verify ownership and occupancy for the purposes of (1) and (2) above, and may require the applicant's execution of an affidavit attesting to any fact that cannot otherwise be verified, including a sworn statement that the project will not be sub-contracted to other parties.
- 5) The above exceptions shall not be construed as authorizing work for which a license is otherwise required by applicable State law.

Sec. 6-30. Requirements for registration.

Application for registration as a contractor shall be made upon forms provided by the building official. All data requested shall be provided. In addition to a completed application form, proof of insurance and/or bonding, as specified below, shall be provided at the time of application, as well as all required registration fees.

Sec. 6-31. Bond requirements.

Any person, firm or corporation seeking registration as a contractor in order to obtain permits required by this code shall file with the building official a good and sufficient bond in the amount of ten thousand dollars (\$10,000.00) issued by a surety company authorized to do business in the State of Texas. Such bond shall contain language approved by the City Attorney for its' intended purpose, and shall be conditioned upon compliance with all provisions of the building code, and all other applicable ordinances and regulations of the City of Lubbock by the principal, his agents and employees. All sureties on said bond shall be liable for breach thereof to the City of Lubbock, to the owner of the property upon which work is performed, to any person, firm or corporation with whom the principal has contracted either orally or in writing to perform building construction, alteration, repair or other work, and to any person who may be damaged or injured by the principal's failure to comply with the regulations, ordinances and building code of the City of Lubbock. A claim upon said bond may be made by any person damaged by reason of the principal's failure to perform his obligations under the ordinances, building code and regulations of the City of Lubbock. Suspension or revocation of any license or permit shall not limit the liability of either the principal or the surety on any such bond.

Sec. 6-32. Insurance requirements.

Any person, firm or corporation seeking to obtain permits required by this code shall have in force a comprehensive general liability insurance policy in a minimum amount of one hundred thousand dollars (\$100,000.00) per occurrence, and including coverage for bodily injury and property damage with products liability and completed operations coverage. Prior to approval of any permits, the applicant shall furnish the building official with a certificate of insurance evidencing the required insurance coverage. The certificate shall include the company name and DBA, if applicable, and shall clearly indicate the nature of the work for which permits are sought. The insurance coverage shall include a provision that in the event such coverage is cancelled or reduced, the insurance carrier shall notify the building official at least ten (10) days prior to such cancellation or reduction in coverage. Any active permit shall be automatically suspended during any period in which the applicant fails to maintain in effect the required insurance coverage.

Sec. 6-33. Denial, suspension and revocation.

The building official may deny, suspend, or revoke a contractor registration under the following conditions:

- 1) Failure to accurately complete the application form;
- 2) Failure to obtain and keep in effect required insurance or bonds;
- 3) Failure to pay required fees;
- 4) Receipt of a notice of insufficient funds for checks made payable to the City of Lubbock for registration or permit fees;

- 5) Providing false information on any application;
- 6) Failure to maintain and keep in effect any license, registration, or certification required by the State of Texas in order to legally pursue the applicable construction trade, or violation of applicable State of Texas licensing laws;
- 7) Refusal to correct violations of this code after notice;
- 8) Continuous or repeated violations of the City Code of Ordinances or applicable State or Federal laws;
- 9) Gross technical incompetence, as evidenced by work quality not meeting applicable codes or accepted industry standards, that could reasonably be determined to constitute a hazard to the health, safety or welfare of any person;
- 10) Illegal behavior towards a government employee during the discharge of his or her official duties.
- 11) For purposes of (9) above, an acceptable guideline for determining “accepted industry standards” shall include the specifications recommended by the Construction Specifications Institute (CSI), and/or the performance standards promulgated by the Texas Residential Construction Commission.
- 12) With regard to (6)-(10) above, the registered contractor shall be responsible for the actions of all subcontractors or tradesmen performing work under the scope of the contractor’s permit.

Sec. 6-34. Appeal of denial, suspension or revocation.

A situation where a registration has been denied, suspended or revoked under (7)-(9) above may be appealed to the License and Permit Appeals Board.

Sec. 6-35. Expiration.

Registrations shall expire December 31 of each year and must be renewed annually in order to obtain permits or to continue work pursuant to active permits.

Failure to keep proper bonds in force will result in automatic termination of registration and will invalidate any active permits. In order to reinstate registration and any active permits, all fees, including registration and permit fees, must again be paid as for an initial application.

Sec. 6-36. Fees.

The initial registration fee shall be one hundred dollars (\$100.00) if paid January through March, seventy-five (\$75.00) if paid April through June, fifty dollars (\$50.00) if paid July through September, and twenty-five dollars (\$25.00) if paid October through December. Annual renewal fees shall be fifty dollars (\$50.00). Fees may be adjusted periodically in accordance with section 1-10 of this Code of Ordinances. If an active registration is not renewed by December 31 and subsequently expires, fees for re-registration shall be as for an initial registration.

Sec. 6-37. Reserved.

Sec. 6-38. Work done in violation of licensing laws.

It shall be unlawful for a general contractor, subcontractor, owner or builder to perform, or to allow or permit to be performed, any electrical, plumbing or mechanical work, on a project permitted by him or otherwise within his control, by any person not in possession of the required license, or in violation of the provisions of any licensing law of the State of Texas or the City of Lubbock, where such laws require licensing and are applicable to the work in question.

Sec. 6-38.1. Termination of permits.

If the building official determines that a general contractor, subcontractor, owner or builder is in violation of this Section, then, in addition to all other civil or criminal remedies available, he may terminate the master building permit and/or the subject electrical, plumbing, or mechanical trade permits for that project. Notice of such permit termination shall be given by issuance of a stop work order stating the reason for the termination, that the permits are thereby terminated, and ordering work under the terminated permits to immediately cease.

Sec. 6-38.2. Hearing before building official.

Any general contractor, subcontractor, owner or builder who has had a permit so terminated may immediately request a hearing concerning such termination before the building official. The building official shall convene the hearing within five (5) days of receipt of a written request.

Sec. 6-38.3 Appeal of decision.

Subsequent to the requested hearing, if the building official has upheld the termination of permits, his decision may be appealed to the Permit and License Appeals Board as follows:

- 1) A written request for appeal must be made to the board within five (5) days of the date on which the building official rendered his decision.
- 2) The board will hear the appeal at their next regularly scheduled meeting, provided that the written request for appeal is received by the building official and forwarded to the Board's staff representative within sufficient time prior to the next meeting of the Board.
- 3) While the appeal is pending, work may continue under the terminated permit if a refundable deposit has been left with the building department in the amount of the applicable permit renewal fee set out in subsection (f) below. This shall not be construed as permission to continue violating the applicable licensing laws originally giving rise to the termination of the permits in question; to do so constitutes a separate offense.
- 4) The hearing before the board shall be conducted in accordance with the procedures set out in section 2-169 of the Code of Ordinances of the City of Lubbock, Texas.
- 5) The burden of proof shall be on the person appealing to show that the permit should not have been terminated and that a permit renewal fee should not therefore be required.
- 6) The decision of the board on any appeal taken under this section shall be final and binding with respect to the specific case before it.
- 7) If it is determined, either by the building official in the initial hearing or the appellate board subsequent to appeal, that plumbing, mechanical or electrical permits were properly terminated for violation of applicable licensing laws, the offending plumbing, mechanical or electrical subcontractor shall not be allowed to renew his permit with respect to the subject project.

Sec. 6-38.4. Renewal of permit(s).

A permit terminated under this section shall only be renewed as follows:

- 1) For subcontractor trade permits, the builder/general contractor or owner, as applicable, shall submit a statement to the building official identifying who the new subcontractor(s) will be, and shall provide a copy of the signed subcontracts. The building official may then renew the terminated permit(s) in the name of the new subcontractor(s) for a minimum fee of one hundred dollars (\$100.00) each or 200% of the original permit fees, whichever is greater. The refundable deposit as required above may be applied in payment of such fees. For master building permits that have been terminated due to the violation of licensing laws by any subcontractor, such permits may be re-issued to the original owner or contractor, as applicable.
- 2) The building official may require and shall receive, prior to issuance of any renewal permit, proof of contractor's or subcontractor's registrations, licenses, insurances and bonds, as well as signed contracts to substantiate the qualification of persons performing any construction, plumbing, electrical or mechanical work within the City of Lubbock.

Sec. 6-39. Permit required.

Any owner or authorized agent 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, the installation 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.

Sec. 6-40. Annual permit.

In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual

permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradepersons in the building, structure or on the premises owned or operated by the applicant for the permit.

Sec. 6-41. Annual permit records.

The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

Sec. 6-42. Work exempt from permit.

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Where determined by the building official, permits may be waived for small and unimportant work. Permits shall not be required for the following:

Sec. 6-42.1. Building work exempted:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (11.15 m²).
2. Fences not over 7 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2, and Group U occupancies.
13. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Sec. 6-42.2. Electrical work exempted:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installations of towers and antennas.
Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
3. Other work exempted by the ICC Electrical Code.

Sec. 6-42.3. Gas work exempted:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Other work exempted by the International Fuel Gas Code.

Sec. 6-42.5. Mechanical work exempted:

1. Portable heating appliance.
2. Portable ventilation equipment.

3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. Other work exempted by the International Mechanical Code.

Sec. 6-42.6. Plumbing work exempted:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. Other work exempted by the International Plumbing Code.

Sec. 6-43. Emergency repairs.

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

Sec. 6-44. Repairs.

Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Sec. 6-45. Public service agencies.

A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

Sec. 6-46. Application for permit.

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building inspection for that purpose. Such application shall:

- 1) Identify and describe the work to be covered by the permit for which application is made.
- 2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- 3) Indicate the use and occupancy for which the proposed work is intended.
- 4) Be accompanied by construction documents and other information as required in Section 106.3.
- 5) State the valuation of the proposed work.
- 6) Be signed by the applicant, or the applicant's authorized agent.
- 7) Give such other data and information as required by the building official.

Sec. 6-47. Action on application.

The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. An application shall not be considered "filed" until all initial submittal information, as indicated on applicable

application forms, is received. Within 45 days from the date of filing of the application, if the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore. If the permit is not issued for failure of the application or construction documents to conform to the requirements of applicable laws, the applicant shall be notified that the permit has been denied and the reasons therefore. Alternatively, if not denied for failure of the application or associated construction documents to meet applicable requirements, the building official may, prior to the expiration of 45 days from the filing date, negotiate a future date when the permit will be issued or denied.

Sec. 6-48. Time limitation of application.

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date the application is received, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing prior to expiration, and justifiable cause demonstrated.

Sec. 6-49. Validity of permit.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

Sec. 6-50. Expiration.

Every permit issued shall expire by limitation and become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. In determining the date of cessation of building activity, the building official may use the last inspection date associated with the permit, or any sub-permits applicable to the project. The building official may consider proof of activity involving correspondence, invoices, checks, and other dated documents submitted by the contractor that are clearly associated with construction at the subject premises. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing prior to expiration, and justifiable cause demonstrated. A permit that has been allowed to expire may be extended for a 180 day period upon re-application and payment of one-half of the original permit fees. Incomplete building projects where the permit has expired with no request for extension thereof shall be deemed abandoned and shall constitute a public nuisance actionable under the provisions of Chapter 13 of this Code of Ordinances.

Sec. 6-51. Suspension or revocation.

The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

Sec. 6-52. Placement of permit.

The permit or an approved copy shall be kept on the site of the work in a manner and location to be determined by the building official until the completion of the project.

Sec. 6-53. Transferring of permits.

The building official shall issue only one permit per job site for the same or identical work with the following exceptions:

- 1) Where the current permittee has failed to complete the work, is no longer associated with the project, and such fact is communicated in writing to the building official by the general contractor or owner;

- 2) Where the building official is notified in writing by the current permittee that his contract for the work is no longer in effect; or
- 3) Where the building official has been notified in writing by the general contractor or owner that the current permittee originally permitted to do the work at the job site has been replaced with a new contractor.

In every case where the building official determines that a new permit will be issued to a new contractor, and the scope of the work remains unchanged from that covered by the original permit, the person requiring such permit shall pay a transfer fee of at least two hundred fifty dollars (\$250.00), but in no case more than the fee for the original permit, and no refund shall ever be made on the original permit issued. Where the scope of the work has or will be changed such that a new plan review is necessary, the fee for the re-issued permit shall be the same as that for a new project.

The building official is authorized to require any other type of evidence from the general contractor, owner or permittee which he deems necessary to determine whether to terminate an existing permit and issue a new permit for the same work. At the discretion of the building official, an investigative inspection of the premises that is the subject of the permit may be required to support a decision to terminate and/or reissue any permit. Fees for said inspection shall be paid in advance as per current fee schedules.

The issuance of a new permit under this section shall release the first permitted contractor or builder from any responsibility for compliance with this Code for work completed by said contractor or builder and the newly permitted contractor or builder shall become responsible for compliance with this building code for the entire job, including work done by the prior contractor or builder.

The building official shall require the owner, general contractor or other interested person to execute an indemnity agreement agreeing to save harmless and defending the city and building official from any and all liability which may be alleged as a result of the issuance of a new permit under this section and to require said agreement to be secured by bonds and insurance deemed appropriate unless a release is signed by all parties.

This section shall apply to all types of permits issued by the building official.

Sec. 6-54. Construction submittal documents.

Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception:

The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

Sec. 6-55. Information on construction documents.

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

Sec. 6-56. Specific submittal requirements.

Submittal requirements specific to each of the technical codes are included in Articles II-IX under "Supplemental Administrative Provisions".

Sec. 6-57. Examination of documents.

The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Sec. 6-58. Approval of construction documents.

When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

Sec. 6-59. Previous approvals.

This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

Sec. 6-60. Phased approval.

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

Sec. 6-61. Design professional in responsible charge.

When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required by Section 1709, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704).

Sec. 6-62. Deferred submittals.

For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official.

Sec. 6-63. Amended construction documents.

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. Change orders and other amendments to the construction

documents require review and approval in the same manner as that of the original permit documents prior to incorporating the changes in the field, unless otherwise approved by the building official.

Sec. 6-64. Retention of construction documents.

One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or longer if required by state records retention laws or organizational policy.

Sec. 6-65. Temporary structures and uses, generally.

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. With the advice and consent of the code enforcement administrator, the building official is authorized to grant a single 180 day extension for demonstrated cause. Upon termination of the original or extended period, the temporary use shall be discontinued, or where applicable, the temporary structure shall be demolished or moved pursuant to the requirements of this Article.

Sec. 6-66. Conformance.

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

Sec. 6-67. Temporary power.

The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the ICC Electrical Code.

Sec. 6-68. Termination of approval.

The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

Sec. 6-69. Movement & Relocation of Buildings & Structures

The movement of buildings and structures into, within or out of the city limits shall be governed by Section 3408 of the International Building Code, as amended (see Article II of this chapter), except as indicated in Sections 6-69.1 through 6-69.3 below.

Sec. 6-69.1. Industrialized housing and buildings.

The movement and installation of industrialized housing and buildings shall conform to the procedures, rules and requirements set forth in the rules of the Texas Department of Licensing and Regulation at 16 TAC Chapter 70 as well as this code; where this code is in conflict with 16 TAC Chapter 70, the latter shall govern to the extent of the conflict only.

Sec. 6-69.2 Mobile homes.

Mobile Homes, defined by the Texas Manufactured Housing Standards Act as manufactured homes manufactured prior to June 15, 1976 and not meeting HUD standards, shall not be installed or relocated within the City limits.

Sec. 6-69.3. HUD-Code manufactured housing.

The movement and installation of HUD-Code Manufactured Homes shall conform to the procedures, rules and requirements set forth in the Texas Manufactured Housing Standards Act and the rules of the Texas Department of Housing and Community Affairs, well as this code. Where this code is in conflict with the said rules, the latter shall govern to the extent of the conflict only.

Sec. 6-70. Demolition of Buildings & Structures.

No person or persons shall hereafter demolish any residential or commercial building or structure, within the limits of the City of Lubbock, Texas, unless said person shall, before demolition, secure a permit to do so from the building official. All such demolition

projects shall comply with the provisions of this section, as well as Section 3303 of the International Building Code adopted pursuant to Article II of this Chapter.

Sec. 6-71. Permits & Fees.

Demolition permits shall be obtained by a registered, insured contractor, or other person authorized to perform the work in accordance with Section 6-29. Demolition permit fees shall be thirty dollars (\$30.00).

Sec. 6-72. Restoration of site.

The demolition contractor or person performing such work shall take the following actions at the demolition site:

- 1) Provide protection of pedestrians during demolition as required by Chapter 3303 of the building code.
- 2) Coordinate with the appropriate utility companies to disconnect and make safe all sources of electricity, water, fuel gas and sanitary sewer. Sanitary sewer outlets shall be capped or otherwise secured from rainwater infiltration.
- 3) Provide proper and adequate safeguards to the public, employees and adjoining property during demolition and lot clearing activities, including obtaining street barricade permits where necessary for protection of vehicular traffic.
- 4) Fill all open excavations with clean fill dirt (no rubble or trash to be used).
- 5) Re-establish lot grades to convey stormwater runoff to the street, alley, or other approved conveyance without ponding and without directing stormwater runoff onto other private property.
- 6) Clear the lot of all trash, rubbish, building debris, dead shrubbery, tree limbs, etc.
- 7) In coordination with the appropriate department or franchise utility, repair all damage to public improvements incurred during the demolition activities, including but not limited to, street surfaces, curb and gutter, sidewalks, driveway approaches, utility lines, sign posts, drainage structures, etc.

Sec. 6-73. Fees Required.

A permit shall not be valid until the fees prescribed herein have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid. Unless otherwise specified below, fees for permits required by this code shall be paid at the time of issue. Fee amounts shall be in accordance with the permit fee schedule as adopted by City Council and periodically adjusted pursuant to Ordinance No. 8248. A schedule of such fees shall be filed with the city secretary and with the building official.

Sec. 6-74. New Construction permit fees.

Fees for new construction shall be based on a per square foot amount computed from gross floor area under roof, inclusive of all stories and covered, unenclosed areas. Fees for building permits shall be set at ten cents (\$0.10) per square foot. Fees for mechanical, electrical, plumbing (MEP) and other trade permits shall be set at five cents (\$0.05) per square foot, however, the building official has the option of computing MEP fees based on a per fixture unit value if the application of a per square foot fee would result in fees that are disproportionate to the scope of work, such as when a mechanical system is proposed for a small office within an otherwise extremely large warehouse building. Such fees are set forth in the applicable Article III-IX.

Sec. 6-75. Remodeling permit fees.

Remodeling permit fees for electrical, plumbing, and mechanical shall be based on a per thousand dollar valuation of the estimated construction cost, or per fixture unit, whichever is deemed appropriate by the building official. Complete renovation of the electrical, plumbing, or mechanical systems in any building shall require the permit cost to be estimated as for new construction.

Sec. 6-76. Re-inspections.

Where any required inspection has not been approved, the inspector has the discretion, within the parameters of department policy, to allow construction to proceed without re-inspection of corrective action. Where corrective action and re-inspection is deemed to be required, a re-inspection fee of thirty dollars (\$30.00) shall be paid to the Building Inspection Department prior to scheduling of the re-inspection. For subsequent re-

inspections where the prior violation has not been corrected, the building official may, in addition to the original reinspection fee, assess additional reinspection fees in increasing increments of fifteen dollars (\$15.00); however, no such fee reinspection fee shall ever exceed seventy-five dollars (\$75.00). As an alternative, the contractor may agree in advance to have the re-inspection fees assessed against the permit and then agree to pay all such fees prior to issuance of final approvals, or, where applicable, issuance of Certificates of Occupancy or Completion.

Sec. 6-77. Fees where work commenced prior to permit.

Where work for which a permit is required by this Code is unlawfully started without first obtaining said permit, a fee multiplier of 200% of the normal fee shall be applied to the permit when issued. If the offender has proceeded with unpermitted work at other sites prior to obtaining the required permit for the first site, a multiplier of 300% shall be applied to the second such site, and 400% to the third and subsequent sites. The increased permit fees shall be in addition to any investigative inspection fees or court fines. The multiplier shall not apply to permit fees for unlawful re-roofing, building-movement or demolition projects, where the minimum fee for each such project shall be one hundred dollars (\$100.00) or double the normal permit fee, whichever is greater. The payment of such increased fees 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.

Sec. 6-78. Governmental and not-for-profit entities.

No governmental entity or non-profit organization shall be exempt from payment of permit fees unless specifically exempted by State or Federal law, however, no fees shall be required from a governmental entity when the work is being performed personally by full-time maintenance personnel on the payroll of said governmental entity on buildings owned by that entity, subject to compliance with all applicable State or Federal laws.

Sec. 6-79. Plan review fees.

When construction documents and/or other data are required to be submitted in order to verify conformance with applicable codes prior to issue of a permit, a plan review fee shall be paid at the time of acquiring that permit, which fees are separate and in addition to applicable permit fees. The initial plan review fee shall be equivalent to 25% of the "master" permit fee associated with the project. Re-submittal of plans for the purpose of verifying that corrections identified in the initial review have been made shall be allowed once without incurring additional review fees. Subsequent reviews, either to verify corrections have been made or to review change orders or other plan amendments, shall require payment of additional review fees equivalent to 5% of the "master" permit fee with a minimum of thirty dollars (\$30.00), which must be paid in advance of review if the permit has already been issued. An advance fee of 10% of the master permit fee, but not less than thirty dollars (\$30.00) nor more than one-hundred dollars (\$100.00), shall be paid at the time of submission of original construction documents for review, which fee shall constitute a credit toward total plan review or permit fees to be paid at the time of permit issuance. Said fee shall not be considered as a deposit, and is non-refundable. Projects within the scope of the International Residential Code are exempt from plan review fees.

Sec. 6-80. Building permit valuations.

The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

Sec. 6-81. Refunds.

The building official is authorized to establish a refund policy in keeping with overall financial policies of the City.

Sec. 6-82. Inspections, generally.

Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permittee to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any equipment or materials required to facilitate required inspections.

Sec. 6-83. Preliminary inspection.

Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

Sec. 6-84. Required inspections.

The building official, upon notification by the responsible permittee that the work is completed and ready for inspection, shall make the inspections as set forth in the "Supplemental Administrative Provisions" Section of the applicable Article II-IX of this code.

Sec. 6-85. Inspection agencies.

With prior written approval, the building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

Sec. 6-86. Inspection requests.

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

Sec. 6-87. Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

Sec. 6-88. Certificate of use and occupancy.

No building or structure shall be used or occupied, and no change in 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 therefor 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 of other ordinances of the jurisdiction.

Sec. 6-89. Certificate issued.

After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:

- 1) The building permit number.
- 2) The address of the structure.
- 3) The name and address of the owner.
- 4) A description of that portion of the structure for which the certificate is issued.
- 5) A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- 6) The name of the building official.
- 7) The edition of the code under which the permit was issued.

- 8) The use and occupancy, in accordance with the provisions of Chapter 3 of the International Building Code.
- 9) The type of construction as defined in Chapter 6 of the International Building Code.
- 10) The design occupant load, where deemed appropriate.
- 11) If an automatic sprinkler system is provided, whether the sprinkler system is required.
- 12) Any special stipulations and conditions of the building permit.

Where a certificate is issued pursuant to work completed under the auspices of a building permit, the certificate shall be issued to the building contractor who obtained the permit upon completion and approval of all applicable inspections. The contractor shall immediately cause the certificate to be displayed as required below. It is an offense under this Chapter for any contractor to fail to display or to withhold the certificate from the owner or owner's agent for any reason. Where a certificate is issued pursuant to a change in occupancy classification where no work requiring a permit is involved, the certificate shall be issued directly to the building owner or his authorized agent, and shall be immediately displayed as set forth herein.

Sec. 6-90. Certificate of completion.

Whenever the scope of a contractors' work pursuant to a building permit, once completed and approved, does not result in a building that is ready for occupancy, (as in the case of a shell building where multiple tenant finish-outs are proposed), a certificate of completion shall be issued in lieu of a certificate of occupancy. The certificate will be issued to the contractor. The certificate need not be displayed within the subject building. Such certificate remains the property of the City of Lubbock and may be revoked for cause in the same manner as a certificate of occupancy. No subsequent permits or certificates of occupancy shall be issued for the completion of any tenant space within a shell building unless a certificate of completion for the shell building has first been issued.

Sec. 6-91. Temporary occupancy.

The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

Sec. 6-92. Ownership and Revocation.

A certificate of occupancy remains the property of the City of Lubbock, and is considered a license to occupy the building under the conditions of issuance. The building official is authorized to suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Code of ordinances.

Sec. 6-93. Display.

A certificate of occupancy shall be prominently displayed within the building for which the certificate was issued, and shall be visible to building occupants, patrons, and public officials. In a case where the building to which the certificate pertains is not publicly accessible, as in the case of apartment buildings, the certificate shall be displayed within the business office of the facility.

Sec. 6-94. One and two family dwellings exempt from requirement for certificate.

Construction associated with one and two family dwellings under the scope of the International Residential Code shall be exempt from requirements for a Certificate of Occupancy; however, such buildings shall not be occupied or used until released by the building official after approval of all required inspections. Such approval is subject to revocation by the building official in the same manner as that for Certificates of Occupancy.

Sec. 6-95. Illegal occupancy; termination of utilities.

Any building occupied prior to release and authorization by the building official and connected to temporary utilities shall have said utilities terminated within ten (10) days after written notification to the utility company. A copy of the notification shall be provided to the occupant by way of certified mail, personal delivery, or posting on the door of the subject premises. Active permits pertaining to the building shall then be deemed automatically cancelled. Before utilities are reconnected, the contractor or owner of record shall renew the building permit at a cost of not less than one hundred dollars (\$100.00), and make immediate arrangements, including coordination of a time mutually convenient to the occupant and the building official, for completion of required inspections. Identified violations of the technical codes shall be corrected to the satisfaction of the building official prior to reconnecting utilities.

Any building which has been erected or has undergone repairs or remodeling requiring permits under this code, and that has been occupied prior to the issuance of said permits, shall be immediately vacated and utilities terminated upon written order of the building official until compliance with all codes and ordinances has been established. The building official, with the concurrence of the Fire Marshall, may authorize temporary occupancy once it is established that there exists no fire, life-safety or health hazard associated with the building or use, and provided that the building owner is making an effort in good faith to comply with all permitting requirements.

Sec. 6-96. Certificates of Occupancy-Existing Buildings.

A new certificate of occupancy is required whenever there is a change in occupancy classification, or whenever there is a change of subclassification within the same major occupancy classification, as defined in the International Building Code. A change of tenancy or ownership not otherwise associated with a change in occupancy classification does not require a new certificate of occupancy.

A new certificate of occupancy shall also be required whenever a remodel, renovation or building addition project is undertaken, regardless of the status of the occupancy classification.

A new certificate of occupancy may be required by the building official if it has been more than two years since the subject premises was inspected throughout and the owner or occupant is seeking any regulatory approval associated with the premises.

A new certificate of occupancy not otherwise required by these provisions may be obtained at the request of a building owner or tenant, subject to the approval of the building official and subsequent to an investigative inspection for structural, electrical, plumbing, mechanical and fire hazards. Any hazards so identified shall be corrected prior to approval of a new certificate. Fees for these services shall be as set forth below.

A lost certificate of occupancy may be re-issued, subject to the approval of the building official, upon payment of a \$30.00 fee and execution of an affidavit by the building owner that building conditions, including use, have not changed since the date of original issue. The replacement certificate shall be clearly marked as a re-issue of the original, and the date of the former shall be clearly marked thereon.

Sec. 6-97. Fees.

Fees associated with certificate of occupancy re-issue and associated inspections shall be as follows. The fee for inspection of single buildings shall be sixty dollars (\$60.00) plus thirty dollars (\$30.00) for the certificate. On projects involving multiple buildings, the fees shall be sixty dollars (\$60.00) for the first building inspected and thirty dollars (\$30.00) for the first certificate; additional buildings shall be twenty-five dollars (\$25.00) each and fifteen dollars (\$15.00) for each additional certificate. Said fees are payable in advance and may be adjusted annually pursuant to section 1-10 of the Code of Ordinances.

Sec. 6-98. Connection of service utilities prior to approval.

It shall be unlawful for any person or utility company to make any permanent or temporary connection from a utility, source of energy, fuel or power to any new building or system that is regulated by this code until released by the building official.

Sec. 6-99. Temporary connection.

The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power for construction and other approved circumstances. It shall be unlawful for any building to be occupied by the permanent residents or tenants while temporarily connected to utilities.

Sec. 6-100. Authority to disconnect service utilities.

The building official shall have the authority to authorize immediate disconnection of temporary utility service to a building, structure or system regulated by this code. The building official shall have the authority to authorize disconnection of permanent utility service in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. The placement of a door hanger shall be considered sufficient notification to the owner and occupant. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter. It shall be unlawful for any person or utility company to refuse an order of the building official to disconnect a utility, source of energy, fuel or power to any building or system in accordance with this section.

Sec. 6-101. Building Board of Appeals; establishment and membership.

In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretation of the provisions of this Code, there is hereby created a board of appeals, consisting of eleven (11) members who are qualified by experience and training to pass upon matters pertaining to building construction. The board of appeals shall be appointed by the governing body of the city and shall hold office for a term of two (2) years and until their successors are qualified. Consistent with the membership set forth below, the presently constituted board members shall continue in their offices for their regular terms. The membership of the board of appeals shall include representatives from the following areas of expertise:

- 1) A member of the West Texas Home Builders Association;
- 2) An active architect;
- 3) An active structural engineer;
- 4) An active commercial contractor;
- 5) An active realtor;
- 6) An active master plumber;
- 7) An active master electrician;
- 8) An active mechanical contractor with a class A license; and
- 9) Three (3) Lubbock citizens at-large.

Sec. 6-102. Board Secretary.

The building official shall be an ex officio member and shall act as secretary of the board.

Sec. 6-103. Scope and Jurisdiction.

The board shall adopt reasonable rules and regulations for the conduct of its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant and the board may recommend new legislation to the City Council consistent with its findings. The board of appeals shall have the authority and is vested with the jurisdiction to hear and determine requests for the substitution of alternate systems from those provided in the adopted building, residential, plumbing, fuel gas, mechanical, energy conservation, fire prevention, electrical and existing buildings codes, unless superceded by State or Federal law.

Sec. 6-104. Hearings.

The owner of a building seeking relief from the Board in cases where strict compliance with the technical codes presents a practical difficulty or unnecessary hardship without corresponding public benefit, may make written application to the building board of appeals for a recommendation as herein provided or for substitution of an equivalent alternate system to that required by the pertinent technical codes and ordinances.

Each applicant shall, upon making such application, submit to the board of appeals sufficient technical data to demonstrate that the proposed substitute is equivalent in quality, strength, fire resistance, effectiveness and safety to that prescribed by the applicable technical code and ordinances. The application shall be made through the building official on forms provided by him, and the request placed on the next available board agenda for discussion and consideration.

Sec. 6-105. Limitations of authority.

The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code. Any case involving an existing building that allegedly constitutes a public nuisance as defined in this code is within the sole jurisdiction of the Structural Standards Commission, and a case involving a permit, license or registration denial, suspension or revocation is within the sole jurisdiction of the License and Permit Appeals Board.

Sec. 6-106. Unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure, system or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions herein, or any rules established by the building official for the administration of this code. It shall also be unlawful for any person, firm or corporation to fail to abide by a lawful order or directive given by the building official for purposes of securing the intent of this code.

Sec. 6-107. Notice of violation.

The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, movement, removal or demolition of any building or system regulated by this code, or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Sec. 6-108. Prosecution of violation.

If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Additionally, the building official may file, or cause to be filed, a criminal complaint in municipal court for any violation of this code.

Sec. 6-109. Penalties for violation.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building, structure or regulated system in violation of the approved construction documents or a directive of the building official, or of a permit or certificate issued under the provisions of this code, shall, upon conviction, be subject to a fine of not less than two-hundred dollars (\$200.00) nor more than one-thousand dollars (\$1,000.00), and each day that such violation is allowed to exist shall constitute a separate offense.

Sec. 6-110. Stop work orders.

Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

Sec. 6-111. Issuance.

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

Sec. 6-112. Unlawful continuance.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Sec. 6-113. Unsafe structures and equipment.

All buildings or structures which are or hereafter become structurally unsafe, unsanitary or deficient because of inadequate means of egress, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment, or by reason of illegal or improper occupancy as specified in this Code or any other ordinance, are, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures specified in Chapter 13 of this Code, the City of Lubbock Structural Standards Code, or by any other procedures provided by law.

SECTION 2. THAT Chapter 6, Article II of the Code of Ordinances of the City of Lubbock is hereby deleted in its' entirety, and the following substituted therefore:

ARTICLE II. BUILDING CODE

Sec. 6-114. 2003 International Building Code adopted.

The 2003 Edition of the International Building Code published by the International Code Council, Inc., as hereinafter amended, including all appendices and reference standards not specifically excluded below, is hereby adopted as the building code of the City of Lubbock, Texas.

Exceptions.

The following provisions are specifically excluded from adoption:

- (1) Chapter 11- Accessibility.
- (2) Appendix B- Board of Appeals.
- (3) Appendix E- Supplemental Accessibility Requirements.
- (4) Appendix G- Flood-Resistant Construction. Projects must instead conform to the applicable provisions of Chapter 21, Article II of the Lubbock Code of Ordinances.

A copy of said building code is attached hereto and incorporated herein as though set out herein in detail. References to the International Building Code in this article shall mean the 2003 Edition. One copy of the 2003 International Building Code shall be filed with the city secretary and a copy shall be maintained in the office of the city building official. All such copies, with the amendments thereto, shall be open to public inspection during the usual business hours of the offices where they are maintained.

Sec. 6-115. Chapter 1. Adminsitraton.

Chapter 1 of the 2003 International Building Code, entitled "Administration", is hereby deleted in its' entirety, and the following Sections 6-116 through 6-119.10 substituted therefor:

Sec. 6-116. Intent and purpose.

The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

Sec. 6-117. Administrative Provisions.

Provisions governing the administration of the 2003 International Building Code shall be as set forth herein.

Sec. 6-117.1. General Administrative Provisions.

General administrative provisions shall be as specified in Article I of Chapter 6 of the Lubbock Code of Ordinances.

Sec. 6-117.2. Supplemental Administrative Provisions.

The following administrative provisions are in addition to the general administrative provisions of Article I of this Chapter, and are specific to projects within the scope of Article II (The 2003 International Building Code).

Sec. 6-118. Construction Documents; Specific submittal requirements.

In addition to submittal requirements specified in Section 6-56 of this code, the following shall be submitted, as applicable.

Sec. 6-118.1. Fire protection system shop drawings.

Shop drawings for fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9, and shall be reviewed by the Fire Marshall.

Sec. 6-118.2. Means of egress.

The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Group R-3, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

Sec. 6-118.3. Exterior wall envelope.

Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

Sec. 6-118.4. Site plan.

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

Sec. 6-118.5. Survey and Survey Certificate.

Any person engaged in the practice of surveying who makes a survey of any lot, block, tract or parcel of land in the city shall file a copy of such survey with the city engineer. The property owner or building contractor shall be responsible for boundary line corner stakes being in place at the time of the first inspection by the building official, and before the issuance of a building permit a certificate shall be filed with the building official by a licensed surveyor or licensed engineer, certifying that such boundary line corner stakes have been set on the site of the proposed construction. The certificate shall be accompanied by a statement of the minimum floor elevations if property is located in a flood area as defined by this Code. In all cases where it may appear to the building official that the proposed improvement will encroach upon any public way, or come within established

building lines, or affect setback requirements under any ordinance, the building official is required to refer the application for permit to the city engineer and secure his approval before issuing a building permit.

Sec. 6-119. Required Inspections.

The building official, upon notification from the permittee, shall make the inspections set forth in Sections 6-119.1 through 6-119.10 below.

Sec. 6-119.1. Footing and foundation inspection.

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

Sec. 6-119.2. Concrete slab and under-floor inspection.

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

Sec. 6-119.3. Finished floor elevation.

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Chapter 21 Article II of the Lubbock Code of Ordinances shall be submitted to the building official. Where necessary to determine that the finished floor elevation is in compliance with other provisions of this code, the building official is authorized to require that an elevation certificate be prepared by a registered professional land surveyor or a licensed professional engineer prior to authorizing further vertical construction.

Sec. 6-119.4. Frame inspection.

Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

Sec. 6-119.5. Lath and gypsum board inspection.

Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

Sec. 6-119.6. Fire-resistant penetrations.

Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

Sec. 6-119.7. Energy efficiency inspections.

Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

Sec. 6-119.8. Other inspections.

In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

Sec. 6-119.9. Special inspections.

For special inspections, see Section 1704.

Sec. 6-119.10. Final inspection.

The final inspection shall be made after all work required by the building permit is completed.

Sec. 6-120 through 6-123. Reserved.

Sec. 6-124. Table 1805.4.2. Minimum foundation requirements for buildings of conventional light-framed wood construction.

Table 1805.4.2 in Chapter 18 of the International Building Code shall be amended to read as follows:

TABLE 1805.4.2
MINIMUM FOUNDATION REQUIREMENTS FOR BUILDINGS OF
CONVENTIONAL LIGHT-FRAMED WOOD CONSTRUCTION

Number of Stories	Thickness of Foundation Wall (in inches)		Width of Footing (in inches)	Thickness of Footing (in inches)	Depth Below Natural Surface	Reinforced Steel	
	Concrete	Unit Masonry				No. of Bars	Sizes (in inches)
1	6	8	12	8	16	3	1/2
2	6	8	14	10	18	3	1/2
3	8	12	16	12	24	3	5/8

NOTE: Increase footing two (2) inches in thickness and width for brick veneer.

Sec. 6-125. Figure 1805.4.2.

A new Figure 1805.4.2 is hereby added to Chapter 18 of the International Building Code, as follows:

(FIGURE INSET)

Sec. 6-126. Table 1805.3.4. Minimum floor elevation for structures relative to slopes of the lot.

A new Table 1805.3.4 is hereby added to Chapter 18 of the International Building Code which shall read as follows:

TABLE 1805.3.4

MINIMUM FLOOR ELEVATION FOR STRUCTURES
RELATIVE TO SLOPES OF THE LOT

Difference in elevation from top of curb to rear property line (inches)	Minimum floor elevation above top of curb when slope is to rear (inches)	Minimum floor elevation above top of curb when slope is to front (inches)
0	12	12
6	10.5	13.5
12	9	15
18	8	16.5
24	6	18
30	6	19.5
36	6	21

- (1) The ground shall slope away from the building at all directions.
- (2) The minimum distance from the finished ground elevation to the top of the floor shall be eight (8) inches at all locations around the building.
- (3) The minimum floor elevation shall be determined by using the top of the floor slab and shall be a minimum of six (6) inches above the calculated peak water surface elevation as determined by the City Engineer. Table 1805.3.4 shall be the standard for determining the correct finish floor elevations depending on the slope of the lot. It shall be the responsibility of the builder/contractor to provide the City Building Official with a survey certificate indicating the required finish floor elevation as determined by the surveyor. The required elevation shall be indicated on the construction plans and marked on the front street curb. Structures located in any flood hazard area shall comply with all F.E.M.A. regulations.

Section 6-127. Moved Structures.

Section 3408, entitled "Moved Structures" is hereby amended to add new sections 3408.2 through 3408.12, as follows:

3408.2 General.

No person or persons shall hereafter move any building into or out of the City limits, or from one location to another within the City limits, where the same shall be moved in, through or upon the streets, alleys, avenues or public grounds, unless said person shall first secure a permit to do so from the building official.

Exceptions.

No permit will be required of contractors for moving tool or storage houses onto or upon any building site for which a permit has been issued, as long as they are maintained in

compliance with all other city ordinances or regulations and are removed from the building site upon completion of contract.

3408.3 Permit application and Zoning Board of Adjustments approval.

The mover shall apply for a permit on forms provided by the building official. Prior to issuance of such permit, the owner of the building shall also apply to the Zoning Board of Adjustment for a special exception allowing the proposed move pursuant to Section 29-28(f)(2)j. of this Code of Ordinance, unless specifically excepted by that Section.

3408.4 Report of building official.

Prior to the Zoning Board of Adjustments hearing to consider the special exception, the building official shall issue a report as a result of an investigative inspection of the building proposed to be moved. The building owner or mover shall pay an investigative inspection fee of \$60.00, or as otherwise established by the City Council. The report shall describe the structural and appearance characteristics of the building and will include, at a minimum, information on the following:

- 1) Foundation style;
- 2) Area in square feet;
- 3) Condition of foundation and/or flooring systems;
- 4) Condition of interior walls;
- 5) Exterior wall covering;
- 6) Condition of exterior walls structure;
- 7) Roof material;
- 8) Condition of roof covering and decking;
- 9) Window conditions;
- 10) Condition of bathroom area and fixtures related thereto;
- 11) Condition of kitchen area and fixtures related thereto; and
- 12) The presence and condition of any garage.

3408.5 Action of Board; Conditional Approval.

If the Zoning Board of Adjustment grants the special exception, the building official may issue the permit subject to any and all requirements/conditions placed thereon by the board. All such requirements/conditions shall be incorporated into the permit and are considered legal requirements for the purposes of compliance with this section. If the Zoning Board of Adjustment denies the special exception, then no permit shall be issued and the subject building is prohibited from being moved.

3408.6 Building to be moved beyond the City limits.

The building official may issue a permit to move a building at least five thousand (5,000) feet outside of the city limits without a special exception granted by the Zoning Board of Adjustment.

3408.7 Procedure where special exception not required.

Where a special exception from the Zoning Board of Adjustment is not required, all other provisions of this section shall remain applicable.

3408.8 Refusal of permit.

The building official may refuse to issue any moving permit in cases where the move will necessitate the removal or cutting of any overhead wires or cables belonging to the City or any public utility company, until such time as the party making application for such permit shall have presented proof that he has made satisfactory arrangements with the party or parties owning or controlling such wires or cables, as attested by the signatures of all involved.

3408.9 Site restoration.

The mover shall perform the following acts at the location the building is to be moved from and shall perform them during removal operation or immediately thereafter:

- 1) Provide protection of pedestrians during demolition as required by Chapter 3303 of the building code.

- 2) Coordinate with the appropriate utility companies to disconnect and make safe all sources of electricity, water, fuel gas and sanitary sewer. Sanitary sewer outlets shall be capped or otherwise secured from rainwater infiltration.
- 3) Provide proper and adequate safeguards to the public, employees and adjoining property during demolition and lot clearing activities, including obtaining street barricade permits where necessary for protection of vehicular traffic.
- 4) Fill all open excavations with clean fill dirt (no rubble or trash to be used).
- 5) Re-establish lot grades to convey stormwater runoff to the street, alley, or other approved conveyance without ponding and without directing stormwater runoff onto other private property.
- 6) Clear the lot of all trash, rubbish, building debris, dead shrubbery, tree limbs, etc.
- 7) In coordination with the appropriate department or franchise utility, repair all damage to public improvements incurred during the demolition activities, including but not limited to, street surfaces, curb and gutter, sidewalks, driveway approaches, utility lines, sign posts, drainage structures, etc.

3408.10 Moving on public way.

No building or portion thereof shall be moved from one site to another or along any public way within the city if such moving would require the removal or moving of a traffic signal mast arm. (Buildings which exceed the height of seventeen (17) feet when mounted on trucks, trailers or dollies will ordinarily require the removal of traffic signal mast arms).

3408.11 Minimum standards.

A building to be moved to a new location within the city limits of the city must meet the minimum code standards for the type of structure. Procedures for assuring compliance with minimum code standards are:

- 1) A structural inspection will be made by the building official to determine the specific repairs or additional structural requirements. The owner or contractor will be apprised of the work that must be accomplished.
- 2) A permit for repairs and alteration shall be issued upon application and prior to issuance of a moving permit to an insured contractor.
- 3) No reference to sidewalks or setbacks made by the building code shall be construed as contravening the requirements of the Code of Ordinances.
- 4) Plumbing, mechanical, and electrical systems shall be brought up to minimum code standards by the same procedures as for the building structure.
- 5) Provisions in the code pertaining to fire resistive requirements will be strictly observed in the issuance of moving permits.
- 6) Buildings to be moved into the city limits from outside of the City of Lubbock must be inspected in the same manner as in (1) above. An investigative inspection fee shall be paid in addition to a mileage fee as required by ordinance.

3408.12 Compliance.

Any moved building shall be made to be in compliance with all relevant sections of all city codes within ninety (90) days after the move is completed, as determined by the building official. Failure to do so shall be a violation of the code and the building shall constitute a public nuisance and is deemed a hazard to the public health safety and welfare. The building official shall refer all such buildings to the structural standards administrator. Disposition of such buildings shall be conducted in accordance with Section 1102 of the property maintenance code as set forth in Chapter 13 of this code of ordinances.

SECTION 3. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable as provided herein.

SECTION 4. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 5. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading this 1st day of December, 2005.
Passed by the City Council on second reading this 15th day of December, 2005.

MARC MCDOUGAL, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

/s/ Steve O'Neal
Steve O'Neal, Chief Building Official

APPROVED AS TO FORM:

/s/ John Knight
John Knight, Assistant City Attorney