Chapter 4

BUILDINGS AND CONSTRUCTION

ARTICLE I.
GENERAL

Sec.4-1 Building permit required, holders responsible for damage to streets.

There shall be no construction or erection of any type of structure or manufacture of any kind, temporary or permanent, without obtaining a building permit from the City. Permit holders shall be responsible for all damage to City streets (Sec. 16-10 et. seq.) and must comply with all the requirements of Chapter 16 of this Code regarding the right-of-ways of the City.

Sec.4-2 Same--Payment of fees required.

Sec.4-2.1 Every person or entity shall make application for a building permit prior to the commencement of any type or kind of construction of any nature within the City and shall pay the fees established therefor. If there be no specific fee for the type of work or construction, then said applicant shall pay a minimum fee for a building permit as may be established by the City.

Sec.4-2.2. If any person or entity which commences construction or erection of any type of structure or manufacture of any kind before first obtaining a building permit and shall subsequently apply for a building permit and a building permit is thereafter issued, the applicant shall pay twice the normal permit fee or the sum of Two Hundred Dollars ($200.00), whichever is greater. (Ord 176, 4/5/95)

Sec. 4-2.3 Install a sidewalk

Whenever a vacant lot or tract obtains a building permit to build a structure it must install a sidewalk in the right-of-way between the property line and the edge of the street in compliance with the Standards and Specifications for the Acceptance of Public Improvements for the City of South Padre Island and at such location and pursuant to plans required by the Public Works Director. (Ord. No. 15-22, 1/6/16)

Sec.4-3 Applications on permits by licensed masters required.

All permits issued for construction shall require an application by a licensed master plumber and licensed master electrician prior to the commencement of plumbing or electrical work, although such application shall not be required for initial issuance of the permit. No additional fee shall be charged by the City in connection with the applications of master plumbers and electricians on building permits. (Ord. No. 17, 12-19-73)

Sec.4-4 Same--Stop-work order for violation.

(A) Any permit holder that does not comply with any City ordinance, code, law or instruction of the Building Inspector shall be issued a stop-work order by the Building Inspector.

(B) In the event plumbing or electrical work is commenced prior to application by a master plumber or electrician as required by Sec. 4-3, the Building Inspector may issue a stop-order until such requirement is met.

Sec.4-5 Adoption of Standard Codes.

A) The City adopts the 2012 International Building Code, 2012 International Residential Code without Section P2904 (deleted) and the Exception in Section R302.2 does not apply

unless the townhouses install a sprinkler system, 2012 International Fire Code, 2012 International Mechanical Code, 2012 International Plumbing Code, 2012 International Fuel Gas Code, 2011 National Electrical Code, 2012 International Energy Code, 1997 Standard Housing Code, and the 1985 Unsafe Building Abatement Code and all other amendments thereto except as modified by the Code of Ordinances. (Ord. No. 14-07)

B). When any of the Standard Codes makes reference to the duties of a certain official named therein, that designated official of the City of South Padre Island who has duties corresponding to those of the named official in said standard code shall be deemed to be the responsible official in so far as enforcing the provisions of said standard codes are concerned.

Sec.4-6 Master Flood Hazard Prevention Ordinance adopted.

The City adopts the Master Flood Hazard Prevention Ordinance as promulgated by the Federal Emergency Management Agency.

Sec.4-7 Same--Permits to conform.

All permits for construction shall require conformance with the Master Flood Hazard Prevention Ordinance.

Sec.4-8 Elevators.

The Standard Building Code Article 506.7(b) is supplemented by the requirement that all elevators in buildings over six (6) stories shall be connected to the on-site standby power plant.

Sec.4-9 Exceptions to Codes Authorized.

The Board of Adjustments is hereby granted authority to grant exceptions to Codes enumerated in Sec. 4-5 hereof upon application by the proper party, and upon a finding by said Board that said exception to this Chapter shall not create a hazard to the health and safety of the citizens of the City.

Sec.4-10 Fire limits established.

The City maintains fire limits (fire zones) as set forth on a map on file in the City offices bearing the signature of the responsible City Official of the City, which map is known as the Fire Zone Map of the City of South Padre Island. Table 600 of the Standard Building Code is modified to the extent that the column called "unprotected" is hereby deleted from the Type IV, V, and VI construction, except Type VI (Wood Frame) construction is allowed for one and two family structures in the fire district if said structure maintains all required residential setbacks (District A) and said structure has non-combustible exterior coverings (brick, stucco-concrete, etc.)(Ord. No. 51, 1-18-78: Ord No. 99-19, 12-1-99)

Sec.4-11 Appointment of Building Inspector.

The Building Inspector or Inspectors shall be such person(s) as may be designated by the City Council. (Ord. No. 2A, 8-7-74)

Sec.4-12 Adoption of Building Code for windstorm resistant construction.

The City adopts the provisions of the Building Code for Windstorm Resistant Construction promulgated by the Texas Windstorm Insurance Association, a true and correct copy of same being on file with the Building Inspector and all construction within the City shall be in strict compliance therewith and with all other codes and ordinances of the City. (Ord. No. 99A, 9-1-82; 99-19, 12-1-99)

Sec.4-13 Most stringent requirement adopted.

In the event any other code or ordinance of the City should impose a more stringent restriction or requirement than that provided by the building code for windstorm resistant construction, then the more stringent requirement shall be complied with. (Ord. No. 99A, 9-1-82)

Sec.4-14 Liability insurance required.

Any person, corporation, or contractor who shall perform any type of work within the public roadways, streets, right-of-ways and easements of the City shall, prior to the issuance of any permit for performing such work within said roadways, streets, right-of-ways and easements, file with the City Secretary, and thereafter keep in full force and effect during the period of construction, a general liability policy in form approved by the Board of Insurance Commissioners, issued by an insurance company duly authorized to transact liability insurance in this State, covering bodily injuries and destruction of property resulting from said work. (Ord. No. 46, 3-2-77)

Sec.4-15 Minimum insurance limits.

The minimum limits for the policy of liability insurance required by Section 4-14 shall be $100,000.

Sec.4-16 Fees: amendment of Standard Building Code.

Section 107.4 of the adopted Standard Building Code is amended so that it shall read as follows:

Section 107.4 - SCHEDULE OF PERMIT FEES

On all buildings, structures, alterations, or other matters requiring a permit that augments a project, a fee shall be paid as required at the time of filing application, in accordance with the following schedule:

(A) Permit Fees

1. The minimum fee for issuing any permit shall be $25.00.
2. The fee rate is $7.00 per $1,000 valuation.

(B) Building Permit Valuations:

Permit valuation shall include total cost, such as plumbing, electrical, mechanical and other systems, all or any of which require a separate permit. For the purpose

of establishing the valuation of a building, the Building Official may use data published by a recognized authority substantiating current cost of construction and/or the contractor's estimated cost whichever is higher.

(C) Moving of a Building or Structure:
For the moving of any building or structure, the fee shall be $200.00.

(D) Demolition of Building or Structure:
For the demolition of any building or structure the fee shall be $100.00.

(E) Reinspection Fee:
In the event the Building Inspector is called upon to inspect an aspect of construction which he has previously inspected and determined insufficient, a reinspection fee shall be assessed the person requesting such reinspection. The amount of such fee shall be determined by the City Manager based upon actual time, overhead, expenses and other factors related to the performance of the reinspection."

Sec. 4-17 Standard Housing Code, Board of Adjustments and Appeals.

The Housing Board of Adjustments and Appeals provided for in the Standard Housing Code shall be the same Board of Adjustments as created and appointed pursuant to the Zoning Code of the City of South Padre Island. Said Board of Adjustments under the Zoning Code shall also have all the powers and duties provided for the Housing Board of Adjustments and Appeals as set forth in the Standard Housing Code.

Sec. 4-18 Standard Unsafe Building Abatement Code and Chapter 214 Local Government Code.

(A) The Board of Adjustments and Appeals provided for in the Standard Unsafe Building Abatement Code shall be the same Board of Adjustments and Appeals appointed pursuant to the Standard Building Code. Said Board of Adjustments and Appeals under the Building Code shall also have all the powers and duties provided for the Board of Adjustments and Appeals as set forth in the Standard Unsafe Building Abatement Code.

(B) Chapter 214 of the Local Government Code.

(1) In the event any provision of Chapter 214 of the Local Government Code is inconsistent with the Standard Unsafe Building Abatement Code, then the provisions of Chapter 214 of the Local Government Code shall apply.

(2) Pursuant to Section 214.001(d) of the Local Government Code, the City shall make a diligent effort to discover each mortgagee and lienholder of any property subject to a hearing before the Board pursuant to the Standard Unsafe Building Abatement Code; and before conducting the public hearing, shall give notice to said mortgagee and/or lienholder and afford them an opportunity to comment at the hearing. Additionally, any Order issued to the property owner pursuant to the Standard Unsafe Building Abatement Code shall also provide an additional reasonable time for the ordered action to be taken by any of the mortgagees or lienholders in the event the owner fails to comply with the Order within the time provided for action by the owner.

(C) If the City incurs expenses pursuant to the Standard Unsafe Building Abatement Code including the expenses to secure, repair, remove, or demolish the building or re-locate the occupants, the City shall have a lien against the property for all costs and expenses, including attorney's fees, unless the property is a homestead protected by the Texas Constitution. The lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgagee liens attached to the real property to which the City's lien attaches.

(D) In addition the provisions of the Standard Unsafe Building Abatement Code, the City may also assess a civil penalty against the property owner for failure to repair, remove or demolish the building and that said civil penalty shall be determined by the Board of Adjustments and Appeals and which civil penalty may be in any sum not to exceed Five Hundred Dollars ($500.00) and said penalty may be assessed for each day that property owner fails to comply with the Orders issued pursuant to the Standard Unsafe Building Abatement Code, and said penalty shall constitute a lien against the property in the same manner as is provided in Section 4-18 (C). Said civil penalty shall accrue interest at the rate of Ten Percent (10%) per year from the date of assessment until paid in full.

(E) Pursuant to Section 214.002 of the Local Government Code, if the City determines that a building, fence, shed, awning or other structure or part of a structure is likely to fall and endanger persons or property, the Building Official may order the owner, the Owner's agent, or occupant of the property to remove or demolish the structure or part of the structure within a specified time; and if the owner fails to remove the same, the City may remove or demolish the structure and assess the expense against the property on which the structure is located. The City shall follow the same procedure for notice, assessment, and recovery of expenses as provided by the Standard Unsafe Building Abatement Code and this Section 4-18.

Sec.4-19 Taxes--Payment prior to issuance of permit.

No permit, including, but not limited to, building permits or permits for excavation, shall be issued unless all taxes due and owing the City on the real estate and improvements whereon such house, building or structure is situated, or on which such demolition or moving is to take place, are fully paid.

Sec.4-20 Bond required upon granting of permit.

(A) Upon the granting of a building permit, a bond with good and sufficient sureties for a sum of not less than Ten Thousand ($10,000) Dollars providing for the payment to the City and to any person or persons injured or damaged in person or property of the City, for all injuries and damages caused by, or growing out of, or in any manner connected with such moving, demolition or construction, is required.

(B) Upon filing of the required bond, the Building Inspector shall determine whether or not the sum of Ten Thousand ($10,000) Dollars is sufficient to cover the amount of probable damage. In the event that it is determined that a higher amount is necessary to cover such damages, such bond shall be made and increased to such determined amount.

(Ord. No. 51, 1-18-78)

Sec.4-21 Building Inspector authorized to issue citations.

The Building Inspector is hereby authorized to issue citations to any person who in his opinion is violating the terms of this Chapter, and if said violation should continue for ten (10) days after said notice, then the Building Inspector shall file a complaint with the Municipal Court. (Ord. No. 51, 1-18-78)

ARTICLE II.
STRUCTURAL REQUIREMENTS

Sec.4-22 Post tension construction requirements.

All concrete construction employing post tension construction techniques shall adhere to a recognized standard for sealing the anchors against rust corrosion and other weather elements. (amended by Ord 00-03, Mar 1, 2000)

Sec.4-23 Type VI construction prohibited for public buildings.

Type VI construction, as the same is defined by the current Standard Building Code adopted by the City, is hereby prohibited for any new construction or conversion when the building or structure is intended to be used by the general public and any existing structure that is classified as a Type VI construction may not be converted for the use by the general public. (Ord. No. 59, 5-17-78)

Sec.4-24 Type VI construction prohibited for certain living units.

Except as provided by Sections 4-25 and 4-26, Type VI construction, as the same is defined by the current Standard Building Code adopted by the City, is hereby prohibited for any structure containing three or more living units or designed to accommodate three or more independent family units to occupy the premises, and conversion of any Type VI structure to three or more family living units is prohibited. (Ord. No. 59, 5-17-78)

Sec.4-25 Conversion of Type VI structure to public or multi-family use.

Any structure of Type VI construction, as the same is defined by the Standard Building Code, that was built, or its building permit issued prior to June 1, 1978, may be converted to a use by the general public or converted to multi-family use, if the owners of said building shall first submit a plan of conversion of said structure to the Building Inspector of the City as herein provided and obtain the approval of the Building Inspector. (Ord. No. 59A, 12-11-78)

Sec.4-26 Same--Approval of Building Inspector required.

If the plan of conversion to be submitted under Sec. 4-25 hereof does not meet with the approval of the Building Inspector, then said building shall not be converted. The Building Inspector may require the applicant to make certain renovations and changes in order to maximize the protection of the general public that may use and occupy the building. If the Building Inspector determines that the building may not be made safe in a reasonable manner, then said conversion may be denied.
(Ord. No. 59A, 12-11-78)

Sec.4-27 Standards for construction.

The hereinafter enumerated standards shall be required in the construction of all buildings, to-wit:

(A) All structures erected within the corporate limits of the City shall be supported by continuous connection of pilings to base flood level or first living level whichever is greater.
Pilings shall be treated timber or concrete [Note: Windstorm Code has no provision for concrete pilings] as per the following schedule:

Number of Stories Supported by Pilings	Size of Piling	Type of Pilings	Depth of Piling Below Grade	Spacing Pilings
1	Min. 12" Butt Min. 8" Top	Treated Timber	15'	Min 1 piling per 100 sq. ft. Bldg.
1	11 1/2 x 11 1/2	Reinforced Concrete	12' 12'	Min. 1 piling per 100 sq. ft. Bldg.
2	Min. 12" Butt Min. 8" Top	Treated Timber	25'	Min. 1 piling per 100 sq. ft. Bldg.
2	11 1/2 x 11 1/2	Reinforced Concrete	17'	Min. 1 piling per 100 sq. ft. Bldg.
3	Min. 12" Butt Min. 8" Top	Treated Timber	30'	Min. 1 piling per 100 sq. ft. Bldg.
3	11 1/2 x 11 1/2	Reinforced Concrete	20'	Min. 1 piling per 100 sq. ft. Bldg.

(B) Concrete pilings shall be reinforced concrete with minimum compressive strength of 4,000 P.S.I. twenty-eight day test, five sack mix and minimum four #6 Grade 60 Deformed steel bars throughout full length of piling and extending eighteen inches into the beam. There shall be a continuous tie with concrete pilings to at least the base flood level, or first floor living level. This continuation shall be with concrete columns or concrete block with four #6 rebar and concrete.

(C) Wood pilings shall be minimum 12" butt diameter minimum 8" top timber pilings. Piling shall be creosoted of C.C.A. treated to resist deterioration, and shall be in accordance with American Wood Preservers Association Standard C-3.

(D) Pilings must be tied to building structure by suitable connections bolted with not less than two 3/4" galvanized bolts at wood to wood, wood to concrete connections.

Rebar shall be extended from pilings into adjacent member in concrete to concrete connections.

(E) Concrete grade beams to be a minimum size of 12" x 24" [three (3) story structures must be minimum of 16" x 24"] with four #5 rebar and four corner bars with #3 stirrups at twenty-four inch spacing. A moisture barrier (Visquene) to be used under slab. Slab to be minimum four inches thick with #3 bars at 12" O.C. or 6/6 - 6/6 welded wire fabric or equivalent, continuous. Minimum eight inch reinforced concrete beam or "U" block tie beam to be used to tie masonry structure at floor levels. This beam to have two #5 rebar. Concrete block walls shall have one #5 rebar on each side of all openings and at four foot intervals in horizontal wall, and at all corners. All cells where this occurs, shall be filled with five sack grout. All concrete to be of minimum five (5) sack mix.

(F) All structures or piling from grade level to base flood level, or first floor living level, whichever is greater, shall be masonry construction which may include brick veneer, or other masonry veneer and stucco.

(G) All stringers, girder to be minimum of two 2" x 12" material, one on each side of notched piling.

(H) Sills on concrete to be womanized lumber and anchored with 5/8" galvanized bolts with washers and nuts embedded in concrete minimum 8" at all corners with 4 foot intermediate spacing. Roof plates to be anchored with 5/8" galvanized bolts with washers and nuts embedded in concrete beam or U-block 8" at two foot intervals. [Note: three (3) story structures have greater requirements per windstorm code]

(I) Wall studs on all exterior walls shall be on 16" centers. Walls over two stories in height require at least 2" x 6" studs, at lower level.

(J) Roof Construction:

(1) All ceiling joists and roof spans shall meet code requirements and each one shall be anchored to wall plates by approved metal anchors.

(2) All roof joists to be of 2" x 6" material or heavier or of an engineered truss type construction.

(3) Roof decking shall be a minimum of 5/8" plywood CDX grade with exterior glue. Plywood to be nailed 5" apart at the joint, and 7" on the rest of the sheet. Galvanized nails #8 to be used.

(4) Wood shingles may be applied to roofs with solid or spaced sheathing. The spaced sheathing shall be spaced not to exceed four inches clear, nor more than the width of the sheathing board. Spaced sheathing shall be not less than one inch by three inches nominal dimensions.

(5) Class "A" or "B" minimum roof covering allowed in fire district.

(K) Supports for roofs or porches, carports, etc. must be of nominal 4" x 4" material or larger, notched and bolted with a tie-down at base.

(L) All wood exterior walls shall have one hour fire protection, one layer 5/8" fire code "X" gypsum board on the interior, with minimum 5/8" plywood exterior (5/8" texture 1-

11), plywood siding for the purpose of this Article shall be considered to be 3/8" material. Any material other than 5/8" plywood shall have 5/8" plywood sheathing installed.

(M) All wood party walls shall be one hour protected with minimum one layer 5/8" type "X" fire code gypsum board on each side, to roof and all doors in party walls shall be minimum one hour class "B" doors. Electrical outlets and plumbing outlets stall be staggered. All ceiling assemblies shall be minimum 5'8" gypsum board.

(N) At least one approved smoke detector shall be installed adjacent to the sleeping area. When actuated, the detector shall provide an alarm suitable to warn occupants within the sleeping area.

(O) Interior paneling of occupied area shall have a minimum of 200 flame spread. Minimum class "C" paneling.

(P) Enclosed garage area under dwellings shall have minimum of 5/8" type "X" fire code gypsum installed on all areas or be of masonry construction, and an approved smoke detector installed.

(Q) Porches, balconies or raised floor surfaces located more than 30 inches above the floor or grade below shall have guardrails not less than thirty-six (36) inches in height. Guardrails shall have intermediate rails or ornamental closures which will not allow passage of an object six (6) inches or more in diameter, and a toe rail located not more than two (2) inches above deck.

(R) All factory-built fireplaces shall be installed in compliance with the terms of their listing, the manufacturers' instructions, and completely installed and tested before Certificate of Occupancy is issued.

(S) No dwelling of Type VI construction as defined by the Standard Building Code shall be constructed in the fire district as defined by the Zoning Map of South Padre Island.

(T) There shall be no occupancy of buildings without an occupancy inspection by the Building Inspector and the issuing of a certificate acknowledging such an inspection.

(U) The building permit holder shall be responsible for all street damages.

(V) All applicants for a building permit for structures shall have a property survey, plot plan, building materials list, and a substantial drawing of the structure to enable the Building Inspector to make a plan review. There shall be a minimum waiting period of 48-hours for a plan review. (Ord. No. 78, 4-16-80; 99-19, 12-1-99)

(W) No structure may use metal, corrugated siding, or use materials that have the appearance of metal or corrugated siding, for the exterior finish of any structure without the express approval of the Development Plan Review Board or the City Council (Corrugated defined as: shaped sheet metal or other material into straight, parallel, regular, and equally curved ridges and hollows). The only exceptions to this requirement are the following:

(1) Metal roofs,
(2) Garage doors,
(3) Accessory storage structures less than one hundred (100) square feet in area or with dimensions less than ten (10') ft. by ten (10') ft., whichever is more restrictive, and
(4) Vinyl siding made to look like wood.

(X) After the issuance of a building permit from the Public Works Department, the applicant/property owner shall be required to submit a signed and sealed elevation

certificate after completion of the structure's foundation. This document will be required prior to commencement of framing. The Building Inspector and/or Building Official will stop construction should information from the elevation certificate be inconsistent with the approved plans, the required FEMA elevation, or City setback regulations.

(Y) Prior to pouring a foundation for a building or structure the applicant/owner shall be required to have a form board survey prepared by a Registered Professional Land Surveyor (RPLS) or Registered Professional Engineer (PE) and must show the building setback lines and the exact location (including distances from property lines) of the foundation form boards. The foundation inspection cannot be performed until a form board survey has been submitted to the Building Department and reviewed by the Building Inspector.

(Z) Chain link fences and barbed wire are prohibited. Vinyl-coated chain link fences may be allowed temporarily for a construction site only. Vinyl-coated chain link fences may be allowed around tennis and basketball courts.

Sec.4-28 Provisions of Sec. 4-27 to Supersede conflicting Code provisions.

The requirements of Section 4-27 above supplement and are in addition to any and all other provisions of this Code and the Codes adopted therein regarding construction and building within the City. If Section 4-27 should be in conflict with any other provision of any other Code, then and in that event, the more restrictive or greater requirement shall supersede and replace any such provision in conflict therewith. (Ord. No. 78, 4-16-80; 99-19, 12-1-99)

Sec.4-29 Townhouses.

Each townhouse shall be considered a separate building and shall be separated from adjoining townhouses by the use of separate exterior walls meeting the requirements for zero clearance from property lines as required by the type of construction and fire protection requirements or when not more than three stories in height, may be separated by a single wall meeting the requirements of the current version of Standard Building Code that has been adopted by the City.
[Ord No. 99-19, 12-1-99]

ARTICLE III
ELECTRIC

Sec.4-30 Electrical Standards.

The National Electrical Code is adopted by the City and all new construction, renovation and modification of structures of any nature within the City shall conform with such code and all other Codes adopted by the City and, in particular, but not by way of limitation, shall meet the following minimum standards of electric service and equipment, to-wit:

(A) All electrical conductors, other than those supplied, installed, and maintained by the power supplier shall be copper. Copper bearing or copper-clad will not be acceptable.

(B) The service drop conductors shall have a minimum clearance from finished grade or installations as specified by the National Electric Code or the electric power supplier, whichever is greater. All new services first installed at a customer's

premises after October 23, 1991 shall be underground in accordance with specifications and policies of the utility supplying electric power.

(C) Service entrance conductors and service disconnect equipment shall be of a capacity to serve the initial load plus 25%, but in no case will they be smaller than #6, 3-wire 120/240 volt single phase. Structures designed to house people will have no smaller than 125 amp., 120/240 volt single phase service entrance and service disconnect equipment.

(D) Meter enclosures and service disconnect equipment shall be grounded with a minimum of #6 copper conductor in rigid steel conduit or approved metal guard, extending three (3) feet above and one (1) foot below finished grade.

(E) Minimum acceptable grounding electrode shall be 5/8" x 8'0" copper-clad steel rod installed vertically and 6" below finished grade with an acceptable copper or bronze ground rod clamp. Minimum resistance to ground shall not exceed 25 ohms. Rod may be common to both meter enclosure and service disconnect equipment.

(F) The electrical contractor shall place his name, address and telephone number in the service disconnect enclosure in a manner that will withstand the environmental conditions.

(G) Space for at least 2 spare branch circuit disconnection means shall be provided in the panel in the initial installation. (This does not include single load installations such as pumps, signs, etc.)..

(H) All material and equipment installed shall be listed with Underwriters Laboratories Inc., or other approved testing agency.

(I) Minimum size conductors, except control circuits, flexible cords, fixture wires and signal circuits shall be #12.

(J) Non-metallic sheathed cable shall not be used except for branch circuits. Only type NMC, THW or an approved equal with grounding wire shall be used. Feeders and subfeeders shall be enclosed in conduit or other suitable raceway.

(K) Metal conduit shall not be used as a grounding conductor. A separate grounding conductor shall be carried in the same conduit as current carrying conductors.

(L) Service entrance cable shall not be used for meter services.

(M) Type "USE" cable shall not be direct buried.

(N) Concealed knob and tube wiring and concealed "MC" or "AC" cable will not be permitted.

(Ord. No. 17A, 7-3-74)

Sec.4-31 Non-metallic conduit required.

All commercial structures and structures containing three or more living units are hereby required to install all electrical wiring not atmospherically protected within a non-metallic conduit. (Ord. No. 76A, 4-21-82)

Sec.4-32 Highest standards to take precedent.

Where plans have been submitted to the Building Inspector for the City and said plans and specifications exceed the requirements of the Building Code and this Article, the highest standards shall take precedence, and any change in the plans and specifications shall be delivered to the Building Inspector prior to implementing said change.
(Ord. No. 17A, 4-3-74)

~~**ARTICLE IV**~~
~~**BOARD OF ADJUSTMENTS AND APPEALS**~~

Article IV was repealed by the enactment of Sec. 20-16 (Ord 10-04, February 2010)

~~**Sec.4-33 Appointment.**~~

~~There is hereby established a board to be called the Board of Adjustments and Appeals (hereafter Board) which shall be the City Council of the City. [Ord 09-02]~~

~~**Sec.4-34 Term of Office**~~

~~Each member of the Board shall serve for the same period that they serve on the City Council. [Ord 09-02]~~

~~**Sec.4-35 Quorum.**~~

~~Four (4) members of the Board shall constitute a quorum. In varying the application of any provision of this Chapter or adopted code or in modifying an order of the Building Official, the concurring votes of four (4) members shall be required. A Board member shall not act in a case in which he has a personal interest. [Ord 09-02]~~

~~**Sec.4-36 Records.**~~

~~The Board shall make a detailed record of all its proceedings, which shall set forth the reasons for their decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.~~

~~**Sec.4-37 Procedure.**~~

~~(A) The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Code.~~

~~(B) The Board shall meet at regular intervals, to be determined by the Chairman.~~

~~(C) Any person requesting a special meeting, other than those regularly scheduled, shall be assessed a fee of $25.00 per meeting. *(Ord. No. 51, 1-18-78)~~

Sec.4-38 & Sec.4-39 Reserved for future expansion.

ARTICLE V
Development Standards Review Task Force

Sec. 4-40 Composition.

There is hereby established an advisory Board called the Development Standards Review Task Force (hereafter "Review Board"). The Review Board shall consist of five (5) members of the public appointed by the City Council. [Ord 09-01, Ord 10-32, Ord 13-05]

Sec. 4-41 Term of Office.

Each member of the Review Board shall be appointed for a term of two (2) years. Vacancies shall be filled for an unexpired term in the same manner in which the original appointments are made. Continued absences of a member of the Review Board shall, at the discretion of the City Council, subject any such member to immediate removal from office.

Sec. 4-42 Quorum.

Three (3) members of the Review Board shall constitute a quorum. No Board member shall act in any case in which he or she has a personal interest. [09-01, 13-05]

Sec. 4-43 Procedure.

A) The Review Board shall establish rules and regulations for its own procedures consistent with the provisions of this Code.

B) The Review Board shall meet at least once each month at a regularly established time and may hold any such additional meetings that the Chairman may call.

Sec. 4-44 Chairman.

The Review Board shall elect a Chairman, Vice Chairman and such other offices as the Board may determine to be necessary to carry out its duties.

Sec. 4-45 Purpose.

(A) The purpose of the Development Standards Review Task Force is to develop recommended site plan and exterior design guidelines and ordinances for non-residential uses [all uses other than One (1) or Two (2) family structures] to the City Council, as well as to review all such non-residential building site plans and specifications to insure their compliance with City Ordinances and City Design Guidelines. Review and approval of said site plans and specifications shall take place prior to receipt of a building permit for said structure(s).

(B) Development Standards Review Task Force will establish goals annually including the following general objectives:

- Make recommendations regarding design guidelines and ordinances for all development, public and private
- Administer the City's Form-Based Code as adopted by the City Council
- Develop guidelines for the enhancement of Padre Boulevard
- Consider and grant variances to established development regulation, when appropriate

Sec. 4-46 Appeal

Any person aggrieved by the decision of the Development Standards Review Task Force may appeal such decision to the City Council. Such appeal to the City Council must be made within ten (10) days from the date the applicant received Notice from the Development Standards Review Task Force. The City Council will hear the appeal within Thirty (30) days of receipt of Notice of the Appeal. The decision of the City Council is final.

Sec. 4-47 Required Review by the Development Standards Review Task Force

Prior to issuance of permits from the Public Works Department, the Development Standards Review Task Force shall first review and approve the following:

(A) Site plans and elevation drawings for all structures excluding one (1) or two (2) family structures and multifamily structures with two (2) or less stories or with sixteen (16) or less units in one (1) building.

(B) All structures, excluding one (1) or two (2) family use structures and multifamily structures with two (2) or less stories or with sixteen (16) or less units in one (1) building, desiring exterior color and material use changes (i.e. painting, siding, stucco, etc.) must obtain a permit from the Public Works Department, except color changes that comply with the design guidelines do not require review by the Development Standards Review Task Force. [Ord 08-04, April 2008]

The Development Standards Review Task Force may only deny an application if it does not meet all existing applicable ordinances or the Review Board may refer an applicant to the City Council if their project does not meet existing design guidelines.

Sec. 4-48-4-49 Reserved for future expansion.

ARTICLE VI
Commercial Property Maintenance
General

Sec.4-50 Scope.

The provisions of this Article shall govern the minimum conditions and the responsibilities of persons for maintenance of *Commercial* structures, equipment and exterior property.

Sec.4-51 Responsibility.

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in the *City's Code of Ordinances*. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter.

Sec.4-52 Vacant structures and land.

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Exterior Property Areas

Sec.4-53 Sanitation.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

Sec.4-54 Grading and drainage.

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. **Exception:** Approved retention areas and reservoirs.

Sec.4-55 Sidewalks and driveways.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

Sec.4-56 Weeds.

All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten inches (10"). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Sec.4-57 Rodent harborage.

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

Sec.4-58 Exhaust vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

Sec.4-59 Accessory structures.

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Sec.4-60 Motor vehicles.

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purpose.

Sec.4-61 Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

Exterior Structure

Sec.4-62 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

Sec.4-63 Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Sec.4-64 Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with minimum stroke width of 0.5 inches.

Sec.4-65 Structural members.

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

Sec.4-66 Foundation walls.

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

Sec.4-67 Exterior walls.

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Sec.4-68 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Sec.4-69 Decorative features.

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

Sec.4-70 Overhang extensions.

All overhang extensions including, but not limited to canopies, marquees, signs, awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.

Sec.4-71 Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

Sec.4-72 Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting code imposed loads and shall be maintained in good condition.

Sec.4-73 Windows, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Sec.4-74 Glazing.

All glazing materials shall be maintained free from cracks and holes.

Sec.4-75 Doors.

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.

Sec.4-76 Notice to Property Owner for Non-Compliance.

Whenever any condition described in this ordinance is found to exist on any premises with the City, the owner of such premises shall be notified by the City, in writing, to address, correct, remedy or remove the condition within ten (10) days after such notice is issued and it shall be unlawful for any person to fail to comply with such notice.

This Page Blank for future expansion

This Page Blank for future expansion