

CITY OF BELLAIRE TEXAS

BUILDING AND STANDARDS COMMISSION

MAY 28, 2014

Council Chamber and Council Conference Room
6:00 PM

Workshop & Regular Session

7008 S. RICE AVENUE
BELLAIRE, TX 77401



Chairperson

Kristin Schuster

Commissioner

Burt Martin

Vice Chairperson

Laura Thurmond

Commissioner

Mike Baker

Commissioner

Danny Spencer

Commissioner

Paul Katz

Commissioner

Laolu Yemitan

Mission Statement:

The City of Bellaire is dedicated to outstanding quality service and facilities to ensure an open, progressive, and secure community.

I. WORKSHOP SESSION

- A. Call to Order**
- B. Announcement of Quorum**
- C. Public Comment**
- D. Discussion and preparation of the Commission's presentation to City Council regarding the report on water vapor control in residential crawlspace construction.**
- E. Adjournment**

II. REGULAR SESSION

- A. Call to Order**
- B. Announcement of Quorum**
- C. Rules for Public Comment**
 - 1. Sign up forms will be available at all Regular and Special meetings for registering the names of members of the Public who wish to either: i) speak on an agenda item, provided such items have not been the subject of a prior public hearing; or ii) make a general comment related to the Commission business. These forms will be given to the Secretary prior to the start of the meeting so that the person's name can be called to address the Commission at the appropriate time.**
 - 2. Public Comments on agenda items will be made at the time an agenda item appears in the Order of Business and before the Commission's consideration of that item.**
 - 3. Public Comments of a general nature shall be made at the time designated by the Order of Business.**
 - 4. All public comments shall be limited to six (6) minutes per speaker with extensions of two (2) minute increments as approved by a majority vote of Commission members present.**
 - 5. Public Comment at Workshop meetings will be allowed at the discretion of the Chair. Any comments will be limited as described in Article IV Sec 8.**
- D. Approval or Correction of the Minutes**
 - 1. Building and Standards Commission - Regular Session - Apr 23, 2014 7:00 PM**
- E. Public Comment**
- F. Report from Building Official**
 - i. Update on May 15, 2014 Builder's Luncheon**

G. Reports of Committees and Communications

- 1. Communications to Commission members outside of posted meetings**
- 2. Committee Reports**
- 3. Reports from Staff other than the Building Official**

H. Old Business**I. New Business**

1. Discussion, Consideration, and Possible Action Regarding Amendments to the City of Bellaire Code of Ordinances, Chapter 9, Buildings, Article II, Building Codes, Division 1, Generally, Sec. 9-17, Amendments to building code.
(Requested by John McDonald, Community Development)
- 2. The Chair shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion on a future agenda of the Commission or referral to Staff for investigation.**

J. Public Hearings**K. Announcements & Comments by Commissioners****L. Adjournment**



CITY OF BELLAIRE TEXAS

BUILDING AND STANDARDS COMMISSION

APRIL 23, 2014

Council Chamber

Regular Session

7:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. REGULAR SESSION

A. Call to Order

Chairman Schuster called the meeting to order at 7:00 PM.

B. Announcement of Quorum

Chairman Schuster announced that a quorum was present.

Attendee Name	Title	Status	Arrived
Kristin Schuster	Chairperson	Present	
Laura Thurmond	Vice Chairperson	Present	
Paul Katz	Commissioner	Present	
Burt Martin	Commissioner	Present	
Mike Baker	Commissioner	Present	
Laolu Yemitan	Commissioner	Late	7:08 PM
Danny Spencer	Commissioner	Present	
Lee Cabello	Building Official	Present	
Ashley Parcus	Secretary	Present	

C. Rules for Public Comment

- 1. Sign up forms will be available at all Regular and Special meetings for registering the names of members of the Public who wish to either: i) speak on an agenda item, provided such items have not been the subject of a prior public hearing; or ii) make a general comment related to the Commission business. These forms will be given to the Secretary prior to the start of the meeting so that the person's name can be called to address the Commission at the appropriate time.**
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- 3. Public Comments of a general nature shall be made at the time designated by the Order of Business.**
- 4. All public comments shall be limited to six (6) minutes per speaker with extensions of two (2) minute increments as approved by a majority vote of Commission members present.**

Minutes Acceptance: Minutes of Apr 23, 2014 7:00 PM (Approval or Correction of the Minutes)

5. Public Comment at Workshop meetings will be allowed at the discretion of the Chair. Any comments will be limited as described in Article IV Sec 8.

Chairman Schuster reviewed the rules for public comment that are listed on the agenda.

D. Approval or Correction of the Minutes

1. Building and Standards Commission - Regular Session - Mar 26, 2014 7:00 PM

Three minor scrivener's errors were corrected and Commissioner Baker asked that "correct" on page 5 be changed to "consistent with the Commission's recommendation."

RESULT:	APPROVED AS CORRECTED [5 TO 0]
MOVER:	Kristin Schuster, Chairperson
SECONDER:	Paul Katz, Commissioner
AYES:	Schuster, Katz, Martin, Baker, Spencer
ABSTAIN:	Thurmond
ABSENT:	Yemitan

E. Public Comment

Greg Denault, Gregory Custom Homes-Mr. Denault informed the Commission that Mr. Cabello asked him to come speak concerning the proposal that the Commission is considering. He explained that his understanding is that the Commission is wanting to require the installation of two moisture barriers. He stated that after several problems and a lot of forensic inspections he does not feel that it is a wise thing to do. Mr. Denault explained that wood floors come out of the factories with 50% moisture content, requiring the installation of a moisture barrier between the wood floors and the sub floor. He mentioned that adding another moisture barrier on the other side will cause people to fall through the floors in about 5 years from now.

Chairman Schuster clarified that the Commission is proposing the requirement of a vapor retarder on the warm side of the assembly, not a vapor barrier. She also stated that the Commission is not requiring that a specific product be used to accomplish this.

Commissioner Katz asked Mr. Denault if he would put vinyl wallpaper on the walls of a home in Houston.

Mr. Denault stated that he would if there was no moisture barrier on the outside. He explained that DPIS has done a lot of engineering studies for Gregory Homes, monitoring the heat in the walls and where the moisture is coming in.

Chairman Schuster encouraged Mr. Denault to read the agenda materials due to the fact that there are documents that specifically address vapor barriers on the cool side of assemblies in hot humid climates.

Commissioner Katz stated that in hot humid climates building science strongly suggests that there be no vapor barrier or vapor retarder on the cold side of the assembly, and that the building structure can dry to the inside with help from the air conditioner. He added that in the winter, you will have the reverse, but there is very little winter here, and as long as you don't put a vapor barrier on the warm side of the insulation it will still dry. Commissioner Katz explained that the predominance of moisture should be

removed by the air conditioning system in a home, so you don't want to impede the flow of water vapor from the warm side of the insulation to the cold side. He stated that some floor installers are requiring vapor barriers before they put the wood floors down when they could simply dry out the building structure before the finished floor is installed. Commissioner Katz felt that the builders who have been doing the vapor barriers over the floor substrates are masking the problem.

Mr. Denault explained that he puts an air conditioner under the house during construction, and seals all flood vents in order to get the moisture level in the wood floors down to 9% before any wood is installed.

Commissioner Katz asked why he wasn't air conditioning the inside of the house too.

Mr. Denault stated that they are doing that. He noticed that the second floor never had cupping problems, so he started putting air conditioners under the crawlspace and closing it all off. Mr. Denault noted that the wood dries 4 times faster using this method.

Commissioner Katz asked why he wanted to install a vapor barrier.

Mr. Denault explained that he doesn't want to, and that the installation of two moisture barriers would cause problems.

Commissioner Spencer thanked Mr. Denault for coming, and informed him that he is saying exactly what the Commission is.

Mr. Cabello reiterated that Mr. Denault's engineering firm has been conducting studies with regards to moisture in the crawlspace and he wanted him to come talk to the Commission about his experiences.

Commissioner Baker stated that a key point that he took away from Mr. Denault's comments was that he has seen problems of this nature before.

Commissioner Martin asked Mr. Cabello if the studies that have been done are available for the Commission to see.

Mr. Cabello stated that he can scan it and email it to the Commissioners.

Please refer back to agenda item H.1. for the conclusion of the discussion on Chapter 9- Crawlspace Revisions.

F. Report from Building Official

Mr. Cabello informed the Commission that construction in Bellaire is booming. He stated that contractors are taking advantage of the market and buying lots left and right. Mr. Cabello also mentioned that homes are being built bigger.

Commissioner Martin asked if the city has a height limit on homes.

Mr. Cabello stated that they are allowed to build 35 feet 6 inches from the finished floor.

Chairman Schuster asked how many open permits there are.

Mr. Cabello said that there are currently around 100 open permits.

Chairman Schuster asked how many inspectors the city has.

Mr. Cabello informed her that there are two inspectors plus himself.

G. Reports of Committees and Communications

1. Communications to Commission members outside of posted meetings

There were no communications to report.

2. Committee Reports

There were no committee reports.

3. Reports from Staff other than the Building Official

There were no reports from staff.

H. Old Business

1. Discussion, consideration, and possible action on a Report and Recommendation to the City Council on water vapor control in residential crawlspace construction including proposed amendments to the City of Bellaire Code of Ordinances, Chapter 9, Buildings

Chairman Schuster pointed out that the report that was included in the agenda packet was the same report from last month's meeting. She stated that in her opinion the Commission has done all of the necessary research on this topic and suggested that the Commission take action on the report during this meeting in order to forward it on to Council as soon as possible. She then opened up the floor for discussion.

Vice Chairman Thurmond stated that she helped Chairman Schuster finalize the report and agreed that the Commission should take action to move it forward to Council.

Commissioner Baker asked Chairman Schuster if there was any science, or research that the Commission had done that would point to this requirement having adverse effects on building construction.

Chairman Schuster stated that they have not come across anything that would cause adverse effects. She reviewed the concerns of the builders and gave a rebuttal on each:

1. Commission would be telling builders what to do

-this is a performance criteria that can be achieved in multiple ways

2. City would be taking on liability

-the Commission has come to the conclusion that this would not be the case due to the fact that this proposal is a performance criteria.

3. Enforcement of the requirement

-something that the Commission has discussed, but practical input from staff is needed.

4. Is it the correct way to construct the crawlspace

-based on the work and research done by the Commission, yes.

Chairman Schuster then listed the concerns of staff and gave a rebuttal for each:

1. Enforcement of the requirement

-see above response

2. Commission would be telling contractors what to do

-see above response

3. Staff has not seen a problem

-as stated by Mr. Cabello, just because the city is not aware of any problems doesn't mean that there aren't any. The Commission has anecdotally heard of problems.

Chairman Schuster mentioned that increase in costs was another concern that had come up during discussions and explained that the Commission has determined that any increase would be minimal.

Commissioner Baker pointed out that some of the builders in Bellaire are already doing what the Commission is requesting.

Commissioner Martin stated that he didn't understand why Menny Rosenbaum and Philip Robbins were so reluctant about the proposal when they are already doing what the Commission is asking.

Chairman Schuster didn't feel that they opposed the proposal. She stated that Mr. Robbins simply wanted to ensure that the Commission had done the proper research to determine that this is the best practice, and that Mr. Rosenbaum was not comfortable with the Commission telling him how to build, when ultimately the liability will be on him. She reiterated the fact this is a performance criteria, and can be achieved in many different ways.

Commissioner Baker mentioned that the builders also liked the idea of the Commission creating a more level playing field that would bring other builders up to a higher standard.

Commissioner Yemitan felt that the builders were not opposed to the objective, but the technique needed to deliver that objective.

Chairman Schuster then read aloud the recommendation that was included in the report and asked if air barrier needed to be addressed as well.

Commissioner Katz explained that the air barrier is already covered under the 2012 IRC and IECC, as is the insulation.

Commissioner Baker asked if the requirement would apply to a floor above a garage.

Chairman Schuster stated that the Commission is using the term "crawlspac" and asked if that term was defined anywhere.

Commissioner Katz pointed out that the Commission is referring to crawlspac as "the interface between unconditioned space and conditioned space."

Chairman Schuster explained that in that case it would apply to a floor located above a garage, because a garage is an unconditioned space. She then pointed

out that the language located within the report does not use the terms "conditioned" and "unconditioned," but simply says "crawlspacse."

Commissioner Yemitan asked for clarification on where the definition of crawlspacse was located.

Chairman Schuster stated that the Commission has not defined it.

Commissioner Yemitan asked if the city has a definition for it.

Chairman Schuster stated that she doesn't know the answer to that question, but pointed out that the Commission is simply offering recommended language and is not proposing that this revision be adopted at this time.

Mr. Cabello explained that "crawlspacse" would most likely be defined within FEMA's regulations.

Chairman Schuster mentioned that there was another handout that was emailed to the Commission members that specifically defines vapor barriers and vapor retarders, and stated that ultimately that information will need to get worked into the ordinance language.

Commissioner Baker stated that the Louisiana State University study regarding insulating raised floors in hot humid climates was very informative and suggested that it also be included with the information that gets sent to City Council.

Chairman Schuster explained that there are three appendices that the report refers to, and explained what each one is. She added that she would like to also incorporate the last report that was sent around to the Commission. Chairman Schuster asked Mr. Cabello if he had any response to the discussion so far, in terms of the direction that the Commission is headed.

Mr. Cabello stated that the Commission has done a lot of work on this project, and it is the decision of the Commission how they move forward. He said that he would be happy to work with Council and the Commission to achieve the necessary outcome.

Commissioner Baker mentioned that some citizens had come in late and made a motion to suspend the rules of procedure to allow for public comment.

Commissioner Yemitan seconded that motion.

The motion carried on a unanimous vote of 7-0.

Please refer to agenda item E for the public comment.

Vice Chairman Thurmond made a motion to approve the report as written and forward it on to City Council.

Commissioner Katz seconded the motion.

Chairman Schuster offered a friendly amendment adding "for inclusion on a future agenda, with a workshop at Council's discretion."

Vice Chairman Thorogood and Commissioner Katz were in agreement with the friendly amendment.

The motion now reads:

To approve the report as written and forward it on to City Council for inclusion on a future agenda, with a workshop at Council's discretion.

Vote: 7-0.
(Requested by John McDonald, Community Development)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Laura Thurmond, Vice Chairperson
SECONDER:	Paul Katz, Commissioner
AYES:	Schuster, Thurmond, Katz, Martin, Baker, Yemitan, Spencer

I. New Business

- 1. The Chair shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion on a future agenda of the Commission or referral to Staff for investigation.**

Vice Chairman Thurmond stated that it isn't new business, but that she came across some good resources dealing with air barriers and institutions that study it. She added that she would make sure the rest of the Commission gets the information.

J. Public Hearings

There were no public hearings.

K. Announcements & Comments by Commissioners

Chairman Schuster thanked the Commission for all of their hard work on the Chapter 9 report.

L. Adjournment

Motion: a motion was made by Commissioner Baker and seconded by Commissioner Katz to adjourn the regular meeting.

Vote: the motion carried on a unanimous vote of 7-0.

The meeting was adjourned at 7:37 PM.

**Building and Standards
Commission**

Council Chamber, First Floor of City
Hall
Bellaire, TX 77401



Meeting: 05/28/14 06:00 PM
Department: Community
Development
Category: Amendment
Department Head: John McDonald
DOC ID: 1253

**SCHEDULED
ACTION ITEM (ID # 1253)**

Item Title:

Discussion, Consideration, and Possible Action Regarding Amendments to the City of Bellaire Code of Ordinances, Chapter 9, Buildings, Article II, Building Codes, Division 1, Generally, Sec. 9-17, Amendments to building code.

Background/Summary:

Attached are the previously approved changes to Chapter 9 (highlighted in green). Additionally, we are including further amendments to Chapter 9, as proposed by the City of Bellaire Fire Marshal (highlighted in blue).

Amendments include:

- Removal of Group M and Division 3 from Sec. 903 within the International Fire Code
- The requirement of fire sprinklers within commercial occupancies of 3,000 square feet or greater. Currently, commercial occupancies of 7,000 square feet or greater require the installation of fire sprinklers.

In section 903 we must address the protection of the occupants, firefighters, and the live load of materials in the building. By requiring fire sprinklers in all new commercial structures we protect these.

The reduction from 7,000 square feet to 3,000 square feet will allow the Fire Marshal to provide greater protection to commercial spaces which have continued to be subdivided to circumvent fire sprinkler requirements.

The Building Official concurs with the Fire Marshal's recommendation.

ATTACHMENTS:

- 5 Ordinance Revisions-2013-2- with Fire Changes (DOC)

Sec. 9-1. - Authority to establish a fee schedule.

The city manager of the City of Bellaire is hereby delegated and authorized to establish a fee schedule for the issuance of permits, licenses and performing services necessary to be performed as provided for under the provisions of chapter 9 of this Code of the City of Bellaire. The city manager of the City of Bellaire shall be further authorized at any time to change or amend any fees, fee schedules, or other charges that may be required herein and/or to establish fees or fee schedules for other and differing services as contemplated or provided for in chapter 9 of this Code of the City of Bellaire without further authorization or direction by the city council of the City of Bellaire.

(a)

The city manager in establishing a fee schedule shall cause the same to be promulgated by filing a copy with the city clerk of the City of Bellaire and a copy of the fee schedule shall further be prominently displayed in the office of the building official of the City of Bellaire.

(b)

Any person who in any way shall fail to comply with the fee schedule promulgated by the city manager in accordance with the terms and provisions of this section shall be deemed in violation of the terms and provisions of this Code and may be prosecuted in accordance therewith.

(c)

In the event of any conflict between any fee as provided for in any schedule promulgated by the city manager with any specified provision of chapter 9 of this Code, the schedule promulgated by the city manager in accordance with this section shall at all times be deemed controlling.

(Ord. No. 89-071, § 1, 11-20-1989)

Sec. 9-2. - Occupancy permit required.

It shall be unlawful for anyone to use, inhabit or in any way reside in any structure unless an occupancy permit shall have first been issued under the provisions of this chapter and chapter 24 of this Code, authorizing occupancy. For single-family residential structures, except those used as a rent or leasehold as provided below, occupancy permits shall be issued for and run with the structure and a new occupancy permit shall not be required when such structure is vacated or sold. For any other structure, occupancy permits shall be personal to the principal occupant or user of such structure and such permits shall become null and void at

Attachment: 5 Ordinance Revisions-2013-2- with Fire Changes (1253 : Fire Sprinkler Requirements)

any time the structure shall be vacated by or cease to be used by the principal occupant or user thereof.

In the event a property is used as a rent or leasehold, an occupancy permit shall be required to be issued for each new occupancy or tenancy; and such permit shall be issued jointly to the owner and tenant or lessee. Any occupancy permit issued hereunder shall immediately become void upon the tenant or lessee vacating or abandoning the property.

Any person who shall aid, assist, permit or knowingly allow a structure to be occupied or used in violation of this section shall be deemed in violation of this section, even though such person shall not be personally using, inhabiting or in any way residing in a structure.

(Ord. No. 80-007, 2-4-1980; Ord. No. 10-058, § 2(App. A), 8-2-2010)

Sec. 9-3. - Duty to complete work.

It shall be unlawful for any person, corporation or agent of any corporation to contract to perform work wherein a permit is required under the terms and provisions of chapter 9 of this Code of the City of Bellaire and to abandon such work after having been paid for the performance thereof or guaranteed payment for performance subsequent to the completion of the work by the property owner or person contracting. Abandonment shall not occur when the property owner or contracting entity instructs the permit holder to cease performing as initially contracted. Abandonment shall be deemed to have occurred when the permit holder or permit holder's agent shall fail to complete the work within the time specified in the contract between the parties and when no reasonable progress is being made. Abandonment shall further be deemed to occur when the work shall be done in such a manner as to render the same useless and without value to the property owner or is done in such a manner as to damage either the real or personal property of the property owner.

(Ord. No. 85-043, § 1, 7-1-1985)

Sec. 9-4. - Reserved.

Sec. 9-5. - Duty of contractors and other persons performing construction work within the city.

Any person or corporation performing work in furtherance of any demolition, construction or reconstruction within the City of Bellaire either pursuant to a permit as required by this Code or otherwise performed without permit where none is required shall be governed and controlled by the provisions of this section.

Attachment: 5 Ordinance Revisions-2013-2- with Fire Changes (1253 : Fire Sprinkler Requirements)

- (a) All new home construction sites shall require temporary chain-link fencing with silt protection at the property lines. Fencing shall remain until lot is ready for grading in preparation of landscaping.
- (b) It shall be unlawful for any building materials of any type, trash, refuse or refuse containers to be stacked, stored or dumped on any public sidewalk or any part of a public street or upon public property.
- (c) The job site or place where construction work is taking place shall provide a metal roll-off container(s) of adequate size to hold all debris, refuse or other garbage from the job site prior to the start of construction. It shall be unlawful for any person to permit litter, debris or trash to be stored or kept where the same is not adequately contained and is subject to being carried by wind to any other location.
- (d) It shall be a violation of this Code to injure, deface or destroy any public property or any improvements thereto.
- (e) All streets, alleys and sidewalks and other public grounds shall be kept free of dirt, sand, mud and other forms and types of aggregates and soils during construction.
- (f) No person shall stop, stand or park any vehicle upon a public street in such a way as to leave less than ten feet of width of the street or roadway open and available for other vehicular travel.
- (g) Every lot or parcel of land which is currently being used for building, construction or reconstruction shall at all times be maintained in a safe and orderly manner. No hazards shall be permitted at any time, and it shall be the duty of any contractor or person working upon the construction site to remove and repair hazardous conditions which may exist or be found to exist or otherwise remedy circumstances which could lead to injury.
- (h) It shall be unlawful to place portable sanitary facilities on any public grounds, including public streets or sidewalks. All portable sanitary facilities must be kept on private property and maintained in a manner not to create hazardous or unsightly conditions.

(i)

Every building site or lot where construction or reconstruction is in progress must have displayed thereon a sign of sufficient size to be plainly and legally visible from the nearest public street and have displayed thereon the name of the responsible person who may be contacted in the event of violation of the terms and provisions of this section.

(Ord. No. 89-044, § 1, 8-7-1989)

Sec. 9-6. - All unlawful occupancy prohibited.

Any building, structure, or place of habitation which has been denied an occupancy permit or for which an application for an occupancy permit is pending, or any building, structure or place of habitation for which an occupancy permit is required but not issued, shall not be occupied or entered for any reason. It shall be unlawful for any person to enter such a building, structure or place of habitation for any reason. Any such entry shall constitute a separate violation of this Code and shall be punishable to the maximum extent permitted by law.

It shall be unlawful to deliver, cause to be delivered, receive or cause to be received any packages, materials, store supplies, or thing of value causing entry to occur on any such building, structure or place of habitation covered under the terms of this Code.

The building official shall be permitted to authorize brief temporary periods of occupancy to finish needed repairs to any building, structure or place of habitation covered under the terms of this article. No formal permit shall be necessary for such temporary occupancy; however, it shall be the duty of the person seeking to occupy said building, structure or place of habitation, to procure from the building official written evidence of permitted occupancy.

(Ord. No. 90-040, § 1, 6-25-1990)

Sec. 9-7. - Police authorized to prevent use prior to issuance of an occupancy permit.

(a)

The police chief and/or building official of the City of Bellaire are authorized to take such action as shall be necessary to prevent the occupancy of buildings, structures and places of habitation without occupancy permits.

Entry upon private property shall be permitted at any time to prevent any person or persons from attempting to unlawfully occupy buildings, structures and places of habitation without an occupancy permit.

Any delivery of goods, chattels, or other personal property to a building, structure or place of habitation without having first obtained an occupancy permit may be prevented by the chief of police or building official as herein provided.

(b)

Any person failing to obey the chief of police or building official concerning attempted use of buildings, structures, or places of habitation, shall constitute a separate violation of this Code and may be punishable to the maximum extent as permitted by law.

(c)

The chief of police shall be authorized to cause any person to be taken into custody, and such person shall remain in custody for such a time as shall be reasonably necessary, when it appears that such person will continue to attempt unlawful use of buildings, structures or places of habitation.


(Ord. No. 90-040, § 1, 6-25-1990)

Sec. 9-8. - Tagging deficient buildings. 

The building official shall be authorized to post visibly and conspicuously at or near the front door or main entrance an appropriate sign or warning placard. Such sign or warning placard shall be in any appropriate size and shall state that it is unlawful for any person to enter a building structure or place of habitation to which the sign is affixed.

Failure to obey such an official warning sign shall constitute a separate violation which shall be punishable to the maximum extent as provided for by law.

(Ord. No. 90-040, § 1, 6-25-1990)

Sec. 9-9. - Authority to secure appointment of a receiver. 

The city manager of the City of Bellaire or his designee or any interested person shall have authority to request the building and standards commission to meet at a regular meeting or at a meeting specially called for this purpose to request the city council to authorize the city attorney to bring an action in a District Court of Harris County, Texas, for the purpose of securing the appointment of a receiver. The city council, upon recommendation of the building and standards commission, may authorize the city attorney to proceed for the purpose of obtaining the appointment of a receiver or to take any action which to them may seem appropriate in conjunction with the recommendation of the building and standards commission. In the event of an emergency or a matter deemed to be of urgent public necessity, nothing herein shall require the building and standards commission to act before the city council shall have authority to instruct the city attorney.

The city attorney, upon final authorization by the city council, shall be authorized to bring an action in the District Court of Harris County, Texas, for the purpose of securing the appointment of a receiver for any real property in the city found to be abandoned and not to be in substantial compliance with the Code of Ordinances of the City of Bellaire regarding fire protection, structural integrity, zoning or disposal of refuse.

(Ord. No. 91-098, § 1, 12-16-1991)

Sec. 9-10. - Affixing street numbers to buildings, required.

(a)

The owner, occupant, or person in control of every building or structure within the City of Bellaire used or intended to be used for residential, business, commercial, religious, educational, governmental or similar purposes, shall have the assigned street number posted and maintained on such building or structure at a location clearly visible from the street from which the address number is assigned.

(b)

The assigned street address numbers shall be posted within 18 inches of the principal entrance to the building or structure; provided, however, in the event the principal entrance does not face the street from which the building or structure has been assigned a number or if the principal entrance is hidden so as not to be clearly visible from the street, then such address number shall also be posted on the building or structure wall so as to be clearly visible from the street from which the address number has been assigned. If it is not obvious which entrance to a building or structure is the principal entrance, the assigned street address number shall be posted and maintained on all entrances which might be confused with the principal entrance.

(c)

All numbers are required to be posted and maintained under the provisions of this section shall be:

(1)

Permanently affixed to the outside of the door or the outside wall of the building or structure;

(2)

At least 2½ inches in height; and

(3)

Of a color which is in contrast to the background.

(d)

Any person violating any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$200.00 for each offense. Each day of violation shall constitute a separate offense.

(Ord. No. 80-066, §§ 1—5, 9-8-1980)

Secs. 9-11—9-15. - Reserved.

Sec. 9-16. - Building code adopted.

The current edition of the International Building Code, including all appendices, as adopted and published by the International Code Council, Inc., and as certified by the building official of the City of Bellaire to the city clerk as herein provided, is hereby adopted as the building code of the city as to all its terms and provisions and made a part of this Code as if repeated verbatim herein, with the qualifications, exceptions and additions as may, from time to time, be set out in this Code.

The building official of the City of Bellaire shall, from time to time, file a certificate with the city clerk, certifying the current edition of the International Building Code, then in existence, for use in the City of Bellaire. Said certificate shall specify the edition, by date of publication, number or other designation, and shall specify that in accordance with the terms and provisions of this section, the same shall be deemed the building code of the City of Bellaire and shall be controlling as to all matters in relation thereto on a date certain as set out in said certificate, said date to be no sooner than 30 days after said certificate is filed with the city clerk of the City of Bellaire.

A copy of such certificate shall be maintained in the official files of the City of Bellaire by the city clerk. All amendments to any prior editions of the building code as herein set out shall be deemed controlling as to the new edition unless the same shall have been repealed or otherwise amended by ordinance duly adopted by the city council of the City of Bellaire, amending the Code.

(Ord. No. 01-097, § 2(9-16), 12-17-2001)

Sec. 9-17. - Amendments to building code.

The building code adopted by the provisions of this article is hereby amended, altered and changed in the following respects:

Attachment: 5 Ordinance Revisions-2013-2- with Fire Changes (1253 : Fire Sprinkler Requirements)

105. Section 105, Permits, of the Building Code is hereby amended with respect to subsection 105.2, Work Exempt from Permit, by deleting subsections 105.2.2, 105.2.4, 105.2.6, 105.2.7 and 105.2.12.

105. Section 105, Permits, of the Building Code is hereby amended by adding a new subsection thereto, numbered and reading as follows:

Sec. 105.1.a. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises or cause or permit the same to be done without having obtained a building contractor's license issued by the City of Bellaire prior to the commencement of any such work.

105. Section 105, Permits, of the Building Code is hereby amended by adding a new subsection thereto, numbered and reading as follows:

Sec. 105.1.b.

1.

Building permits shall be issued only to building contractors who are currently licensed by the City of Bellaire or to persons who wish to do work on 1 and 2 family dwellings which are owned and occupied by them as a single family residence.

2.

The annual fee for a building contractor's license shall be established by the City Manager or his designee. All building contractors' licenses shall expire on October 1, following the date of their issuance.

3.

Application for a license as a building contractor shall be made in writing to the building official on a form furnished for that purpose.

4.

No building permit shall be issued to any building contractor until he shall have arranged to carry the following insurance or, having been issued, may be revoked if such insurance is not kept in force:

- (b) Bodily injury liability insurance to the extent of \$300,000.00 for any one occurrence and \$300,000.00 in the aggregate;
- (c) Property damage insurance to the extent of \$100,000.00 for any one occurrence and \$100,000.00 in the aggregate; or a combined single limit of \$300,000.00 per occurrence and in the aggregate;
- (d) Such insurance shall be written by an admitted company under the supervision of the State Board of Insurance of the State of Texas.
Evidence of the compliance with the above insurance requirements shall be considered as having been met when the policy, a copy thereof or a certificate of insurance has been filed with and approved by the building official. Such policy shall include an endorsement thereon that the building official will be notified at least ten days in advance in the event the policy or policies are canceled or expire before the expiration of the license.

5.

Licenses issued under the provisions hereof shall not be transferable, but the building contractor's license of any active member, officer or supervisory employee of a partnership, firm or corporation shall be sufficient to qualify the partnership, firm or corporation to engage in the business of building contracting, if the license holder is employed by that firm only and does in fact supervise and control those installations and alterations of buildings which are required by this Code to be installed or altered by a person licensed under the provisions hereof.

105. Section 105, Permits, of the Building Code is hereby amended by adding a new section 105.8, Construction Hours, to read as follows:

Sec. 105.8. Construction Hours. Within the City of Bellaire, Texas, the construction of buildings and structures and related activities, any of which requires a building permit, other than a homeowner permit,

from the City of Bellaire, is permitted during the following time periods only:

Monday through Sunday 7:00 a.m. to 7:00 p.m.

The building official shall include written notice of these construction hours within each building permit, other than a homeowner permit, issued.

105. Section 105, Permits, of the Building Code is hereby amended by adding a new subsection thereto, numbered and reading as follows:

Sec. 105.9. Permit for temporary use. No permit for temporary use shall be for a longer period than three months, and at the end or three months after approval the building official shall issue written instructions to the electric public service company or other person having control of the supply of energy to the installation, to disconnect service to the temporary installation, unless a permanent approval or an additional temporary approval shall have been given by the building official. To facilitate disconnecting of a temporary installation, ten days before the period of temporary approval is up, the building official shall notify the electric public service company, or other person having control of the supply of energy to the temporary installation, and shall notify the owner of the installation. A letter addressed to "occupant" at the address of the temporary installation shall be deemed as being sufficient to notify the owner, if name and address of owner are not known by the building official.

Sec. 114.1. Violations. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code or any order issued by the building official hereunder. Any person violating the provisions of this section shall be guilty of a misdemeanor for each day such violation continues, and as such shall be liable to a fine of not less than \$25.00 nor more than \$200.00 for each day's violation.

116. Section 116, Unsafe Structures and Equipment, of the Building Code is hereby amended to read as follows:

116.1 Section 116.1, Unsafe Structures and Equipment, Conditions

Sec 116.1 Conditions All buildings or structures which are not structurally safe or not provided with adequate egress, 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, as specified in this Code or any other effective 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 procedure specified in the current edition of the Uniform Housing Code, as adopted and published by the International Conference of Building Officials and as adopted by section 9-80 of this Code and further as certified by the building official of the City of Bellaire to the city clerk as provided in this chapter.

202. Section 202, Definitions, of the Building Code is hereby amended by deleting there from the definition of "story" as it appears therein, and substituting in its place the following:

STORY is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 11 feet, six inches above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered as a story.

Chapter 4. Chapter 4 of the Building Code shall be amended by adding thereto the following additional provision:

The building code is hereby amended to allow private carports in commercial districts, which are in Fire Zone 1, to carry no fire rating, provided that the same shall be of steel construction with no enclosed or concealed areas allowed.

304. Section 304.1, Scope, of the Building Code is hereby amended to read as follows:

Special provisions for Group B, Division 2 Office Occupancies and Group R, Division 1 Occupancies.

Sec. 304.1. Scope. These requirements shall apply to buildings housing Group B, Division 2 Occupancies used primarily as offices and to Group R, Division 1 Occupancies.

Such buildings three stories or more in height or located more than 30 feet above the lowest level of the fire department vehicle access shall conform to the requirements of this Code. It is specifically provided that the entirety of the building shall conform and not only that part which is in excess of 30 feet above the lowest level of fire department vehicle access. For the purposes of this section, building access shall be defined as an exterior door opening conforming to all of the following:

1. Suitable and available for fire department use.
2. Located not more than two feet above the adjacent ground.
3. Leading to a space, room or area having foot traffic communication capabilities with the remainder of the building.
4. Designed to permit penetration through the use of fire department forcible entry tools and equipment unless other approved arrangements have been made with the building official.

602. Section 602.2, Fire Zone, of the Building Code is hereby amended to read as follows:

Sec. 602.2. Fire zone. Buildings located in the fire zone are to be constructed of "Type II 1-hour" rated construction, Type II non-rated with fire sprinklers, or more stringent as defined in the building code. Buildings of Type II non-rated, III, IV or V construction will not be permitted.

903. Section 903.2-12 of the Building Code is hereby amended to read as follows:

Sec. 903.2-12. All Occupancies except ~~Group M and Group R~~Group R3, Division 3 shall have an automatic sprinkler system installed~~:-~~Group R3 shall have automatic sprinklers installed as addressed by Section 9-23 of the City of Bellaire Code of Ordinances or as amended in Section 503.1.1 of the International Fire Code.

1. At the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed at alternate floors. Sprinkler heads shall be accessible for servicing.
2. In rooms where nitrate film is stored or handled.
3. In protected combustible fiber storage vaults as defined in the fire code.
4. In every story or basement of all buildings which exceed two stories in height except when the building is intended for occupancy as a single-family residence.
5. All occupancies exceeding ~~7,000~~3,000 square feet, except where required in the International Building Code to be less square footage.

905. Section 905.3 of the Building Code is hereby amended to read as follows:

Sec. 905.3 Where required. Wet standpipes extending from the cellar or basement into the topmost story shall be provided in Group A, Divisions 1, 2 and 2.1 Occupancies with an occupant load exceeding 1,000; in Groups E, I, H, B and R, Division 1 Occupancies three or

more stories in height; and in Groups H and B, Divisions 1, 2, and 3 Occupancies having a floor area exceeding 20,000 square feet per floor.

EXCEPTION:

1. Wet standpipes are not required in buildings equipped throughout with an automatic fire-extinguishing system.
2. Wet standpipes are not required in basements or cellars equipped with a complete automatic fire-extinguishing system.

905. Table No. 905.3 of the Building Code is hereby amended to read as follows:

TABLE NO. 905.3 - STANDPIPE REQUIREMENTS

OCCUPANCY 1	NONSPRINKLERED BUILDING 2		SPRINKLERED BUILDING 3, 4	
	STANDPIPE CLASS	HOSE REQUIREMENT	STANDPIPE CLASS	HOSE REQUIREMENT
1. Occupancies exceeding 150 ft. in height and more than one story	III	YES	III	NO
2. Occupancies 3 stories or more but less than 150 ft. in height, except Group R, Div. 3	I and II-5 or III	YES	I (or III)	NO
3. Group A Occupancies with occupant load exceeding 1,000	II	YES	No Requirement	NO
4. Group A, Div. 2.1 Occupancies with over 5,000 square feet in area used for exhibition.	II	YES	II	YES
5. Group I, H, B, Divs. 1, 2 or 3 Occupancies less than three stories in height but greater than 20,000 square feet per floor	II ^b	YES	No Requirement	NO

2. Class II standpipes need not be provided in assembly areas used solely for worship.
3. Class II standpipes need not be provided in basements having an automatic fire-extinguishing system throughout such basement.
- 4.

Combined systems with their related water supplies may be used in sprinklered buildings.

5.

Portions of otherwise sprinklered buildings which are not protected by automatic sprinklers shall have Class II standpipes installed as required for the unsprinklered portions.

6.

In open structures where Class II standpipes may be damaged by freezing, the building official may authorize the use of Class I standpipes which are located as required for Class II standpipes.

7.

Hose is required for Class II standpipes only.

905. Section 905.8 of the Building Code is hereby amended to read as follows:

Sec. 905.8. Where required. All buildings, three or more stories in height, shall be equipped with one or more dry standpipes.

905. Section 905.10 of the Building Code is hereby amended to read as follows:

Sec. 905.10. Where required. Every building three stories or more in height shall be provided with not less than one standpipe for fire department use during construction. Such standpipes shall be installed when the progress of construction is not more than 30 feet in height above grade. Such standpipe shall be provided with fire department inlet connections at accessible locations adjacent to usable stairs. Such standpipe systems shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

In each floor there shall be provided a 2½ inch valve outlet for fire department use. Where construction height requires installation of a combination standpipe, fire pumps and water main connections shall be provided to serve the standpipe.

907. Section 907, Fire Detectors, of the Building Code is hereby amended to read as follows:

Sec. 907. Fire detectors. An approved system which will provide for automatic detection of products of combustion other than heat shall be installed in every mechanical equipment room and in the return air portion of every air conditioning and mechanical ventilation system

that serves floors other than the floor on which the equipment is located. The detectors shall be set to operate within the limitations of U.B.C. Standard No. 43-6 and shall be located at each opening into the vertical shaft. Activation of the products of combustion detector shall cut off electric current to the fan.

At least one approved products of combustion detector as required by NFPA Pamphlet No. 72F-1974 shall be installed in the following areas:

1.

Rooms containing vital equipment for life safety (i.e., fire pumps, elevator controls, communications, fire alarm system controls, sprinkler systems controls and standby emergency system components).

2.

Elevator lobbies.

8.

Exit corridors.

EXCEPTION:

Omit products of combustion detector for pressurization systems.

At least one approved rate of rise detector shall be installed in boiler and/or furnace rooms and kitchens.

A single products of combustion or rate of rise detector, upon actuation shall sound a signal in the main fire alarm and communications panel only. If the signal is not acknowledged within a period of three minutes, the general alarm shall sound on the floor of incidence, the floor above and the floor below, and shall relay signal to the Central Control Station to cause all other operations as are necessary to prevent recirculation of smoke and other functions required of the system.

Activation of any two detectors, each on a separate electrical circuit, or actuation of any manual fire alarm station, or any water flow detector shall sound the general alarm on the floor of incidence, the floor above and the floor below, and shall relay signal to the Central Control Station, to cause all other operations as are necessary to prevent recirculation of smoke and other functions required of the system.

Elevator lobbies shall be provided with at least two approved products of combustion detectors, each connected to a separate electrical circuit.

Each products of combustion detector or rate of rise detector shall not exceed its listed spacing and shall be located and spaced in accordance with NFPA Pamphlet 72E-1974.

907. Section 907.2.12.2, Voice Communication System, of the Building Code is hereby amended to read as follows:

Sec. 907.2.12.2. Voice communication system. There shall be two separate approved continuously electrically supervised voice communication systems, one for fire department communication system and the other a public voice communication (address) system between the Central Control Station and the following areas:

- 1. Elevators, elevator lobbies, corridors and stairways.
- 2. Every office area exceeding 1,000 square feet in area.
- 8. Each dwelling unit and hotel guest room.

The entire fire alarm and communication system shall be continuously electrically supervised against component failure of the audio path including amplifiers, speakers, speaker wiring, switches and all electrical contacts, and must detect opens and shorts which might impair the function of the system. All equipment shall be located above grade. Manually operated voice controls shall not include volume controls with public access. Pre-recorded messages shall not be permitted.

The fire department systems shall include a two-way communication system for fire department use. The system shall include a telephone connection of uniform type at each elevator bank, and shall be connected to the Central Control Station. At least two portable telephone handsets per each ten stories in height or any portion thereof shall be provided at the Central Control Station. When approved, the fire department system may be combined with the public voice communication system and voice alarm system.

907. Section 907.2.12.3, Central Control Station, of the Building Code is hereby amended to read as follows:

Sec. 907.2.12.3 Central control station. A Central Control Station for fire department operations shall be located on the lowest building level having building access. The location shall be easily accessible from the outside. The location and its access shall be protected by a two-hour fire-rated occupancy separation.

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The Central Control Station shall contain the voice communication systems panel, fire detection and alarm system panels, status indicators and controls for elevators and air handling systems, controls for unlocking stairway doors, a public telephone, sprinkler valve and water flow detectors, and standby power controls. All panels containing emergency communications equipment for fire alarm use required by these requirements shall be provided with locks suitable for opening with a master key as required by the City of Bellaire Fire Department.

909. Section 909, Smoke Control, of the Building Code is hereby amended to read as follows:

Sec. 909. Smoke control. Natural or mechanical ventilation for the removal of the products of combustion shall be provided in every story and shall consist of one or more of the following:

1.

Panels or windows in the exterior wall which can be opened from an approved location other than the fire floor. Such venting facilities shall be provided at the rate of at least 20 square feet per 50 lineal feet of exterior wall in each story, and distributed around the perimeter at not more than 50 foot intervals. Such panels shall be clearly identified with letters of contrasting color not less than three inches in height.

2.

Approved tempered glass may be used in lieu of openable panels.

3.

When fire sprinklers are installed in compliance with section 1807(m), the mechanical air handling equipment may be designed to assist smoke removal. Under fire conditions, the return and exhaust air shall be taken directly to the outside without recirculation to other sections of the building.

4.

A shaft through which smoke and heat can be mechanically vented to the outdoors. The size of the shaft shall be uniform throughout and of such dimensions as to provide not less than 60 air changes per hour in the largest compartment served anywhere in the building. Openings into the shaft shall be protected with an automatic single piece shutter located as high in the room as possible and designed to vent the entire compartment.

5.

Any other design which will produce equivalent results.

1507.

Section 1507.8 of the Building Code is hereby amended to read as follows:

Sec. 1507.8. Notwithstanding what is contained herein, wood shingles shall not be allowed for any new roof construction and additions to presently existing roofs.

Section 1507.9 of the Building Code is hereby amended to read as follows:

Sec. 1507.9. Notwithstanding what is contained herein, wood shakes shall not be allowed for any new roof construction and additions to presently existing roofs.

(Ord. No. 01-097, § 3(9-17), 12-17-2001)

Sec. 9-18. - Drainage requirements for residential construction.

(a)

Requirement for a drainage plan. Before a construction permit will be issued, a drainage plan must be approved for all residential sites requiring a permit for the construction of improvements or additions if 25 percent or 1,500 square feet, whichever is smaller, of the lot will be disturbed or regraded.

(b)

Objectives of drainage plan.

(1)

Prevent stormwater from flowing onto adjacent property unless appropriate drainage easement agreement is obtained; and

(2)

Control fill that may increase flood damage.

(c)

Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted to give them the meaning they have in common usage and to give this section its most reasonable application.

(1)

Special flood hazard area means the land in the floodplain subject to a one percent or greater chance of flooding in any given year.

(2)

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

(3)

Structure means any area of a walled or roofed building.

(4)

Elevated structure means any area of a walled or roofed building having the bottom of the lowest horizontal structure member of the floor elevated above the ground.

(5)

Two-year frequency means a rainfall intensity having a 50 percent probability of occurrence in any given year that occurs on the average of every two years over a long period of time.

(6)

No net increase means that the volume of material placed on a lot at any time must not be greater than the amount of material removed from the lot during demolition and subsequent grading operations.

(7)

Fill credit means the volume of material removed from the lot during demolition of an existing structure that may be imported onto the lot for construction, grading and drainage purposes. The fill credit may be determined using the chart maintained by the building official or by calculating the volume of material removed from the lot during demolition and subsequent grading operations. Any fill above the base flood elevation (BFE) will not count against the fill credit for the lot.

(Ord. No. 05-024, § 2, 4-18-2005; Ord. No. 05-044, § 2, 7-11-2005; Ord. No. 05-085, § 2, 12-7-2005)

(8)

Pier and beam foundation construction means the floor of the structure is elevated above the ground, supported by a number of piers and beams, such that floodwaters may rise and recede under

the floor of the structure. The area under the structure should be graded such that water will not pond.

(9)

The height to which any point on the lot, other than the foundation, may be filled is limited to an elevation calculated by multiplying the distance from the curb by one percent per foot and adding the top of curb elevation. Existing elevations which are higher than the calculated elevations are not required to be cut to meet the requirements of this section. The calculation only applies to fill above the existing elevation. The one percent does not apply to proposed interior grades or cross-slopes of swales. In no case shall any point on the lot be filled more than eight inches above the existing (pre-construction) elevations.

(Ord. No. 05-044, § 2, 7-11-2005)

(10)

A lot on which more than four inches of fill is placed shall be required to install pressure-treated rot boards or retaining walls on either side of the area in which the fill increases the elevation of the lot above that of its neighbors. Rot board or retaining wall height in front of the building line is limited to one inch above finished grade.

(Ord. No. 05-044, § 2, 7-11-2005)

(11)

Yard Amenities are defined as pools, spas, fountains, waterfalls, outdoor kitchens, barbeque pits, fireplaces and other similar outdoor raised features. The one percent and eight inch maximum fill limit does not apply to yard amenities.

(Ord. No. 05-085, § 2, 12-7-2005)

(d)

Contents of drainage plan.

(1)

Survey and elevation data. The drainage plan shall include data obtained by a topographical survey performed under the supervision of and signed, sealed and dated by a professional land surveyor registered in the State of Texas. The topographical survey shall include as a minimum, the location and elevation of existing sidewalks, curb/gutters, ditches, storm sewers, sanitary sewers and the existing elevations of the lot. The survey should be completed prior to demolition of any structures on the property to provide baseline conditions to establish the fill credit for the property. The

elevations shall be based on the current datum and vertical benchmark system being used by the city and should be at a maximum spacing of 20 feet throughout the property. The city will furnish, upon request, location and elevation of benchmarks available within the city. The drainage plan shall show the proposed finished floor elevation and the finished grade elevations of all proposed paving and grading on the site and shall include existing and planned spot elevations at a maximum of 20 feet spacing covering the lot:

- a. Along the perimeter of the lot;
- b. Grid across the lot; and
- c. Finished floor and adjacent finished grade along the perimeter of all slabs, including but not limited to buildings, sidewalks, patios, driveways, and decks.

(2)

Requirement to drain. Drainage of the lot may be obtained by surface or subsurface means, or a combination of the two, as is appropriate and necessary so that the stormwater falling on the residential lot upon which construction is planned will drain into the street, ditch or storm sewer system of the city and not onto adjacent property. However, as a minimum requirement, each lot will be required to provide drainage on each side, or in the case of a corner lot, on the sides adjoining the adjacent lots, designated to carry the two year design storm, sloping to the street, ditch, or storm sewer. Cross sectional elevation of the swale shall be shown on the drainage plan at three points: at the house, at the swale flow line, and at the side property line. A minimum of three elevations are required to adequately define a swale cross section. The engineer preparing the drainage plan shall provide supporting calculations to demonstrate that the drainage system meets the design criteria. Cross section elevations of a swale shall be provided at the front property line, the front of the house, the midpoint of the house, the back of the house and at the beginning of the swale.

(3)

Limitation on lot fill for property located in the special flood hazard area.

- a.

Option 1 - Elevated structure without fill. The proposed improvements to a property shall result in no net increase in volume of material on the lot with the exception of the small amount of concrete used for pier and beam foundation construction that may be permitted by the building official. The fill credit volume may be used to increase the elevation of the lot no more than the amount needed to create a maximum elevation equal to a one percent slope from the existing street, top of curb, edge of road (if no curb exists) or existing ditch high bank, but in no case shall more than eight inches of fill be allowed. The engineer preparing the drainage plan must provide calculations and supporting data demonstrating that no net increase in volume of material is proposed.

b.

Option 2 - Elevated structure with fill. If the existing ground elevation at the proposed structure is equal to or above the base flood elevation (BFE) and the finished floor of the proposed structure will be elevated to one foot above the BFE by means of fill, then no additional fill on the lot will be allowed. Any volume of material used to raise the existing lot elevation to the one percent or eight inch maximum fill limit for grading and drainage purposes must be mitigated by lowering the finished grade below the existing (pre-construction) elevation elsewhere on the lot. The engineer preparing the drainage plan must provide calculations and supporting data demonstrating that no net increase in volume of material is proposed with the exception of raising the finished floor to one foot above the BFE.

(Ord. No. 05-024, § 2, 4-18-2005; Ord. No. 05-044, § 3, 7-11-2005)

(4)

Limitations on lot fill for property not located in the special flood hazard area. Lot fill shall be limited to no more than the amount necessary to achieve adequate drainage based on generally accepted engineering design practices but no more than the amount needed to create a maximum elevation equal to a one percent slope from the existing street, top of curb, edge of road (if no curb exists) or existing ditch high bank. In no case shall more than eight inches of fill be allowed on any lot.

(Ord. No. 05-024, § 2, 4-18-2005; Ord. No. 05-044, § 3, 7-11-2005)

(5)

Engineer's seal. The drainage plan shall be prepared, certified, sealed and signed by a civil engineer licensed as a professional engineer in the State of Texas.

(e)

Certificate of occupancy. As a condition precedent to the issuance of any certificate of occupancy, a second topographical survey shall be made under the supervision of a registered professional land surveyor registered in the State of Texas which shall show the "as-built" elevation of the residence and the finished grade elevations of the lot, patios, drives, sidewalks, landscaped areas, etc. A civil engineer licensed as a Professional Engineer in the State of Texas shall review the "as-built" survey for conformance with the approved drainage plan. The Engineer or an Engineer-in-Training in his employ shall conduct a site visit of the location shown on the survey at a date equal to or after the date of the "as-built" survey. The Engineer shall draft a letter with the following statement to be attached to and submitted with the "as-built" survey:

I, _____, a Professional Engineer licensed in the State of Texas, have reviewed the "as-built" survey of this property and, on the basis of that review and a visit to the site, state that it conforms to the design and intent of the approved drainage plan submitted for permit and is in compliance with Chapter 9, Buildings, Section 9-18, Drainage requirements for residential construction, of the Code of Ordinances of the City of Bellaire, Texas.

_____ (Date)	_____ (Seal & Signature)
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The Building Official shall deny a Certificate of Occupancy until the "as-built" survey and the Engineer's statement have been properly submitted and approved.

(Ord. No. 10-037, § 1(App. A), 6-7-2010)

(f)

Duty to maintain drainage. All drainage improvements detailed in the drainage plan must be maintained to prevent stormwater runoff from flowing onto adjacent property. Interim measures to prevent stormwater from flowing onto adjacent properties shall be provided and maintained during construction. It is the responsibility of the owner and all subsequent owners to maintain the drainage on their property and to assure that no additional fill is added over the amount in the approved drainage plan. No alterations to the approved drainage plan shall be performed without first having submitted a revised drainage plan and obtaining the proper approval. The city building official shall maintain a copy of all drainage plans approved by the city.

(g)

Penalties. Any owner or agent of a residential building site or lot for which a drainage plan is required that fails to comply with, or is in violation of, any of the requirements or provisions of this section, or fails to maintain the approved drainage, shall be subject to a fine in an amount not to exceed \$500.00. Each day during which any such violation is committed or continues shall be considered a separate offense.

(h)

Variance.

(1)

Where a baseline fill credit does not exist, as in the case of remodeling or yard amenity addition, the building official may allow excess fill credit for yard amenities, based upon the facts and circumstances of each application, as long as the objectives of the drainage plan continue to be met.

(2)

The building and standards commission of the city, upon application and hearing, shall have the power and authority to allow a variance from the requirements of this section upon a finding that the strict application of the requirements of this section will affect a hardship of the property and that the proposed design complies with the spirit and intent of this section and provides protection to the neighboring properties at least equivalent to that provided by this section. The building and standards commission shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding such applications.

(Ord. No. 05-024, § 2, 4-18-2005; Ord. No. 05-085, § 3, 12-7-2005)

Sec. 9-19. - Scope and permit procedure.

(a)

It shall be unlawful for anyone to substantially alter, modify or change the surface topography or in any way change the grade of any lot or tract of land to which this section is hereinafter made applicable, without having first obtained a permit for such work under the procedures as hereinafter set out.

This section shall be applicable to all substantial alterations, modifications or changes in the surface topography or changes in the grade of any lot or tract of land in the following categories:

1.

Any property zoned or used for nonresidential purposes.

2.

Any property improved as a part of a subdivision development.

3.

Any property upon which new residential building unit construction occurs more than two years after the issuance of a completion certificate for work performed in accord with the terms and provisions of this chapter in development of the subdivision wherein such construction is to occur. When a completion certificate has been previously issued for development work in any subdivision developed in compliance with the terms and provisions of this section within two years prior to the date of commencement of the subject residential building unit construction in such subdivision, such residential building unit construction shall be exempt from the requirements of this section.

Application may be made to the building official for the issuance of a certificate of qualification for any subdivision developed within two years prior to the effective date of this section, which certificate of qualification shall entitle residential building unit construction in such subdivision to the above-referenced exemption from the requirements of this section. Such application shall be accompanied by a certificate of a registered, licensed engineer, duly licensed and registered in the State of Texas, which certificate shall state the following:

a.

The work was completed in accordance with all of the terms and provisions of the Code of Ordinances of the City of Bellaire.

b.

The work was completed in accordance with usual and customary engineering practices and standards.

c.

The completed work will not adversely affect adjacent properties or improvements or other properties or improvements within the City of Bellaire, as it relates to stormwater run-off and detention, and sanitary sewer flows and water pressure, and/or other factors as they relate to good engineering practices.

Upon receipt of such application, the building official shall review the certificate provided and the work completed, and may, if he finds the same to be in the best interest of the residents, citizens and inhabitants of the City of Bellaire, issue a certificate of qualification.

4. Any other property within the City of Bellaire, not otherwise accepted herein.

(b)

The building official of the City of Bellaire shall bear the exclusive responsibility for determining whether or not the proposed alteration, modification or change in the surface topography or change in the grade of any lot or tract of land is substantial in nature, and the decision of the building official shall be final. In addition, the building official may require compliance with the terms and provisions of this section and section 9-20 of this article, even though the work is found not to be substantial in nature, if it is deemed necessary to protect the health, safety and well being of the residents, citizens and inhabitants of the City of Bellaire.

(c)

Any person desiring to substantially alter, modify or change the surface topography or in any way change the grade of any lot or tract of land in the city, shall first obtain a permit for such work from the building official of the City of Bellaire. Any person desiring such permit shall first file an application in a form as prescribed by the said building official. Such application shall be accompanied by plans for the work contemplated, which plans shall be approved by a registered, licensed engineer, duly licensed and registered in the State of Texas, as evidenced by the signature and seal of said engineer on the face of said plans; and in addition to the signature and seal of such registered and licensed Texas engineer, such engineer shall certify, either on the face of the plans or by separate instrument attached to such plans, the following:

1.

Such plans are in accordance with all of the terms and provisions of the Code of Ordinances of the City of Bellaire.

2.

Such plans are in accordance with usual and customary engineering practices and standards.

3.

The proposed construction, when completed, will not adversely affect adjacent properties or improvements or other properties or improvements within the City of Bellaire, as it relates to stormwater runoff and detention, and sanitary sewer flows and water pressure, and/or other factors as they relate to good engineering practices.

In addition thereto, along with the plans and certificate, as herein required, a statement shall also be filed as to when the proposed

substantial alteration, modification or change in the surface topography or change in the grade of the lot or tract of and is to commence and when the proposed work is to be completed.

(d)

For any application submitted under the terms and provisions of this section, a fee shall be paid to the director of finance of the City of Bellaire, based upon a determination by the building official of the value or valuation of the work to be performed under the terms and provisions of this article. The valuation and fee shall be determined in accordance with a table entitled "Building Permit Fees" as set out in the current edition of the International Building Code.

(e)

Upon review and certification and payment of the fee as herein required, a permit shall be issued, which permit shall be valid only for the work contemplated and for a specific number of days as stated therein, which number shall not exceed by more than ten days, the number of days stated by applicant as necessary for completion of the work.

(Ord. No. 78-030, § 1, 4-17-1978; Ord. No. 85-043, § 12, 7-1-1985)

Sec. 9-20. - Performance of work.

(a)

At all times during the progress of the work contemplated under the permit issued pursuant to [section 9-19](#) of this article, the work site and all areas surrounding the same, shall be available for reasonable inspection by the building official of the City of Bellaire or his designee; and failure to permit such continuous access shall be grounds for revocation of a permit, grounds to deny the issuance of an occupancy permit and further shall constitute a violation of the terms and provisions of this Code.

(b)

Any changes or modifications in the plans or any deviations from the plans filed to obtain the permit herein required, shall be reported immediately to the building official; failure to report such changes shall constitute valid grounds for not issuing a completion certificate, valid grounds for not issuing building permits for construction of additional improvements upon the property and shall constitute a violation of this Code. If such changes are not deemed to be significant by the building official, he shall issue a waiver, and the work may progress under the original plans, subject to such waiver. The waiver issued by the building official shall specify the deviation or change, if any,

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from the original plans previously filed or in the work completed not in accord with such plans.

(c)

In the event, for any reason, the work as herein contemplated cannot be completed before the expiration of the permit, as provided in section 9-19 of this article, then an application shall be filed for an extension of such permit. Upon such application for extension, the applicant shall state the reason for requesting an extension, and shall make a definite statement that the work contemplated under the permit will be completed within the time specified in the request for extension. An extension may be granted for such period of time as requested or such lesser period as the building official shall determine.

(d)

A completion certificate must be issued by the building official before any work contemplated under this article shall be deemed finally completed; the issuance of such certificate is a necessary prerequisite to the use or occupancy of any improvements or work constructed, and the further issuance of any additional building permits for additional improvements upon such property. Such certificate shall only be issued after the following requirements have been met:

1.

The permittee shall file his request for the issuance of a completion certificate, in a form as shall be prescribed by the building official.

2.

Upon filing of his request, the permittee shall simultaneously submit to the building official a certificate issued by a registered, licensed engineer, duly licensed and registered in the State of Texas, in a form as shall be prescribed by the building official. Such engineer's certificate shall state that to the best of his knowledge, based upon periodic inspections during the time of construction and inspection of the final work, such work has been completed in accordance with the plans as presented to and approved by such engineer. Such certificate shall further state that all requirements as imposed by such engineer have been met.

3.

Upon receipt of such engineer's certificate, the building official may conduct such examination of the work and the completion thereof as may seem necessary and proper to him.

4.

The building official must find that the work, as completed, is in accord with the plans as previously filed to obtain a permit and/or with any waivers or modifications of such plans as filed during the course of said work, and further is in accord with all terms and provisions of this Code.

(Ord. No. 78-030, § 2, 4-17-1978)

Sec. 9-21. - Construction requirements for private parking areas and driveways in all zoned districts.

This section shall control and regulate the construction and/or reconstruction of all areas upon private property, in all zoned districts, for the ingress and egress of motor vehicles and the parking of the same.

All construction or reconstruction of parking areas, under the terms and provisions of this section, shall be in accord with the requirements hereinafter set out. These requirements shall be deemed the minimum requirements. However, if at any time in the opinion of the building official, special circumstances shall necessitate construction in accord with more restrictive and/or higher standards, then the building official may specify the requirements, which shall be deemed to supersede and shall be controlling as to any other requirements herein provided with which they shall be in conflict.

(a)

Single-family residential. For all uses classified as single-family residential, parking areas may be paved with either concrete or masonry paving units, subject only to such additional standards or conditions as shall be reasonably imposed by the building official as follows:

(1)

Concrete construction. Four-inch 3,000 psi with #3 reinforcing bars on 18-inch centers.

(2)

Masonry paving units shall be installed and maintained according to the manufacturer's recommendations for the anticipated traffic load.

(b)

Nonsingle-family residential. For all uses not classified as single family residential, parking areas may be paved with concrete, asphalt materials, or masonry paving units. The design of such parking areas shall be prepared, sealed and signed by a civil engineer licensed as a professional engineer in the State of Texas.

(c)

[Exceptions.] The building and standards commission of the City of Bellaire shall have the power and authority, upon application and hearing, to allow the use of materials other than those herein specified or other methods of construction not herein specifically provided, provided the building and standards commission shall find the following:

(1)

That the proposed design is satisfactory and complies with the intent of this section; and

(2)

That the material, method or work offered is, for the purposes intended, at least the equivalent of that prescribed in this section in quality, strength, effectiveness, durability and safety.

The building and standards commission shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding such use.

(d)

[Authority to override.] The building official shall have the authority, in the case of an emergency or other overriding public necessity, to permit the construction of a parking area not in accord with the terms and provisions of this section when the same shall be deemed necessary by the building official.

(Ord. No. 79-056, 9-10-1979; Ord. No. 11-036, § 2(App. A), 5-2-2011)

Sec. 9-22. - Removal of existing sidewalks.

No person may remove an existing sidewalk without first obtaining a permit from the City of Bellaire, Texas' building official, which permit shall require the reconstruction of said sidewalk within six months of the date of the permit.

(Ord. No. 02-047, § 3(9-22), 8-19-2002)

Sec. 9-23. - Residential fire sprinkler systems.

a.

New construction. All new single-family homes with occupiable space (space capable of being made into a room) above the second floor; and remodeling above the second floor for which a building permit is required after December 31, 1999, shall be required to have a residential fire sprinkler system

designed and installed in accordance with the standards for such sprinkler systems set forth in subsection b. of this section.

(Ord. No. 04-077, § 2, 10-18-2004)

b.

Design and installation. All residential fire sprinkler systems required by this section shall be designed and installed in accordance with the most recent version of the *National Fire Protection Agency ("NFPA") Code, Section 13D*, except as modified herein.

1.

NFPA 13D is hereby amended by deleting all references to polybutylene pipe in *Section 3-3.2* and *Table 3-3.2*.

2.

NFPA 13D is hereby amended by including the requirement that an approved backflow prevention device be installed at the point of connection between the residential fire sprinkler system and the household plumbing system.

3.

NFPA 13D is hereby amended by including the requirement that all accessible spaces beneath a means of egress, regardless of dimension shall be sprinklered.

4.

NFPA 13D is hereby amended by including the requirement that all attached garages shall be sprinklered.

5.

NFPA 13D is hereby amended by including the requirement that one sprinkler head shall be installed above each heat-producing unit in attic space.

(Ord. No. 04-077, § 2, 10-18-2004)

c.

Certification and testing. Prior to issuing an occupancy certificate for any new residential construction or any addition or remodeling for which a residential fire sprinkler system is required by this section, the building official shall be provided with a certificate that the residential fire sprinkler system has been designed and installed in accordance with the standards set forth in section b. and that the backflow prevention device has been properly tested. In addition, upon issuance of a new occupancy certificate for any home in which a residential fire sprinkler system has been installed, the system shall be verified as working properly.

d.

Compliance with International Fire Code. All residential fire sprinkler systems required by this section shall comply with rules, regulations, and requirements set forth in the *International Fire Code*, except as modified herein.

Section 503.1.1, Buildings and facilities, the currently approved edition of the *International Fire Code*, shall be amended to read as follows:

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction except single-story detached non-air-conditioned space used for storage. The fire apparatus access road shall comply with the requirements of this section of the *International Fire Code* and shall extend to within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The fire code official is authorized to increase the dimension of 150 feet (45,720 mm) where:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2, or 903.3.1.3 of the *International Fire Code*;
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided;
3. There are not more than two Group R-3 or Group U occupancies; and
4. The facility or building is a detached accessory structure."

(Ord. No. 99-043, 9-2-1999; Ord. No. 07-001, § 2, 1-8-2007)

DIVISION 2. - ATTACHED SINGLE-FAMILY DWELLING ZONING DISTRICT 

[Sec. 9-24. - Compliance.](#)

[Sec. 9-25. - Sidewalk regulations.](#)

Sec. 9-26. - Utility easement regulations.

Sec. 9-27. - Partition and exterior wall regulations.

Sec. 9-28. - Interior street regulations.

Sec. 9-29. - Curb and gutter, street paving and fire hydrant regulations.

Sec. 9-30. - Storage area regulations.

Sec. 9-30a. - Retaining wall.

Sec. 9-31. - Screening wall regulations.

Sec. 9-32. - Courts.

Sec. 9-33. - Trash disposal regulations.

Sec. 9-34. - Platting regulations.

Sec. 9-35. - Drainage regulations.

Sec. 9-36. - Landscaping and planting.

Sec. 9-37. - Water and sewer regulations.

Sec. 9-38. - Building foundations.

Sec. 9-39. - Additional requirements for new foundation construction.

Secs. 9-40—9-43. - Reserved.

Sec. 9-24. - Compliance.

In all attached single-family dwelling zoning districts in the city, the following improvement and building standards set out in this division shall apply to all new construction.

(Ord. No. 1970, § 1, 10-8-1973)

Sec. 9-25. - Sidewalk regulations.

The property owners shall construct and maintain concrete sidewalks in accordance with city specifications to provide occupants with convenient access to the parking areas and adjacent streets and along abutting streets.

(Ord. No. 1970, § 1(a), 10-8-1973)

Sec. 9-26. - Utility easement regulations.

If any structure should not be adjacent to the utility easements serving the structure, such structure shall not be used unless and until the owner of the lot dedicates an irrevocable adequate utility easement running with the land, over and across any area existing between such serving utility easement and the structure. All utility easements must be at least ten feet wide, except where they adjoin and abut upon a dedicated street, the minimum width shall be 7½ feet on each side of the

paved portion of such street. The owner shall install, maintain and pay for all public utilities on the owner's property, which shall be placed and kept underground outside of buildings.

(Ord. No. 1970, § 1(b), 10-8-1973)

Sec. 9-27. - Partition and exterior wall regulations.

Exterior walls less than five feet from adjoining private property and the partition wall or walls between attached one-family residences shall be of masonry construction, shall be nonbearing, and shall have a fire resistance rating of at least two hours; and such walls shall extend from the ground level to and project at least 18 inches above the roof. Walls between attached one-family residences may have a common top flashing or cap, not over six inches in thickness. An exterior front or rear wall may be constructed of combustible material, providing the facing material of the lower eight feet of the wall is masonry or other noncombustible material permissible in single-family residences, provided that the masonry end walls extend beyond such front or rear wall a minimum of 18 inches in all places. Houses and roofline may be offset to meet the above requirements.

(Ord. No. 1970, § 1(c), 10-8-1973; Ord. No. 85-043, § 13, 7-1-1985)

Sec. 9-28. - Interior street regulations.

The term "interior street" shall apply to all public streets within an attached one-family residence building site. Interior streets shall have a minimum right-of-way width of 50 feet and shall be developed with a minimum 35 foot concrete paved section, all in accordance with city standards and at the owner's expense, and such street shall be connected at one end to a public street. All attached one-family residences shall abut on a public street or upon a court. If abutting on a court, they shall also abut on a concrete public alley with or without curbs, not less than 27 feet in width, adequately drained with catch basins and storm sewers in the center and be served by off-street guest parking equal to one space per dwelling unit, all constructed at the developer's cost, in accordance with city specifications. No attached one-family residence may be located more than 100 feet from a street. A concrete paved turnaround, 60 feet in diameter, shall be constructed at the end of each "dead-end" street.

(Ord. No. 1970, § 1(d), 10-8-1973)

Sec. 9-29. - Curb and gutter, street paving and fire hydrant regulations.

Before becoming entitled to a building permit for the erection of any building in any of the attached single-family dwelling zoning districts, the lot owner, at owner's expense, shall cause a fire hydrant to be installed within 500 feet of the proposed

building, if none exists that close; and, at owner's expense, shall provide concrete curbs and gutters, all in accordance with the specifications of the city, on the abutting streets where they do not exist, and shall provide concrete paving from such curbs and gutters to the existing pavement on such abutting public streets, or the center thereof, if closer, in accordance with the specifications of the city for concrete pavement.

(Ord. No. 1970, § 1(e), 10-8-1973)

Sec. 9-30. - Storage area regulations.

There shall be at least one storage area of at least 40 square feet in ground area upon each attached one-family residence lot.

(Ord. No. 1970, § 1(f), 10-8-1973)

Sec. 9-30a. - Retaining wall.

In any new residential subdivision, prior to the issuance of any building permit for construction, a retaining wall must be constructed on each subdivision property line abutting or contiguous to any residential or commercial use not within the boundaries of the new subdivision. The retaining wall shall be a minimum of 12 inches in height above the ground, constructed of either concrete or masonry construction designed to prevent storm water drainage onto adjacent property.

(Ord. No. 85-043, § 14, 7-1-1985)

Sec. 9-31. - Screening wall regulations.

Within six months after securing a building permit and before becoming entitled to a certificate of occupancy for the occupancy of structures upon any property in any R-5 or ~~R-6~~ zoning districts, the owner, at owner's expense, shall cause to be erected along the boundary line between said property and any adjoining R-1, R-2, R-3, and R-4 zoning district, screening walls six feet in height, without openings, constructed of masonry or of cedar, supported by not less than four by four inch wooden posts, pressure-treated in conformance with standards of the American Wood Preservative Association, or equivalent, not more than eight feet apart, set in concrete, in accordance with the specifications of the city. In like manner, screening walls, with vehicle entrance gates, are required, and shall be constructed along any street boundary where attached one-family residence service areas or rear yards abut existing public streets of the city.

(Ord. No. 1970, § 1(g), 10-8-1973)

Sec. 9-32. - Courts.

Where single-family attached dwelling complexes are erected so as to create courts, the faces of opposite walls in such courts shall be a minimum distance of 30 feet apart, and no canopy shall extend into such court area for a distance greater than five feet. Where attached one-family residences face a court, the court shall abut a street and the minimum distance between opposite walls shall be twice the height of the walls, but in no case less than 30 feet.

(Ord. No. 1970, § 1(h), 10-8-1973)

Sec. 9-33. - Trash disposal regulations.

Trash and garbage storage shall be entirely within the buildings. No incinerators shall be allowed in R-5 Districts.

(Ord. No. 1970, § 1(i), 10-8-1973)

Sec. 9-34. - Platting regulations.

The owners of each attached one-family residence building site shall prepare and submit to the planning commission of the city for approval two plats of the proposed one-family residence subdivision, one setting forth all the matters required to be set forth in the platting of a subdivision by state law, as amended, the dedications and acknowledgements required by that act, and the other shall also show on such plat the dimensions and all of the matters required for attached one-family residences by this article and their dimensions, including, without limitation thereby, the location of all screening walls, streets, alleys, yards, lots, storage area, courtyard, parking area, living area, interior street, easement setback lines, utility line, fireplug, area for common use, and other matters required or permitted by ordinance. Such owners shall endorse on such plat a dedication and conveyance of all interior streets shown on such plat as individual lots, and their owners then and hereafter, in equal undivided interests, as appurtenances running with the land. If the plats conform to all the requirements of said state law and of chapter 24 of this Code, entitled "Planning and Zoning Regulations," as amended, they shall be approved by said planning and zoning commission; otherwise they shall be disapproved and no building or occupancy permit shall be issued for any structure on such site.

(Ord. No. 1970, § 1(j), 10-8-1973)

Sec. 9-35. - Drainage regulations.

Before becoming entitled to a certificate of occupancy, an as-built drainage plan shall be approved by the building official. All roof drains and area drains must be guttered directly into the storm sewer system.

(Ord. No. 1970, § 1(k), 10-8-1973)

Sec. 9-36. - Landscaping and planting.

Any portions of lots not required for buildings, entrances, sidewalks, or parking areas shall be landscaped and planted with grass, shrubs and trees, and so maintained by the owners. Shrubs and trees shall not be planted over public utility lines.

(Ord. No. 1970, § 1(l), 10-8-1973)

Sec. 9-37. - Water and sewer regulations.

Adequately sized circulating water lines of at least six inches in diameter shall be installed and connected with the city's lines, at owner's expense, for domestic use and fire protection. Adequately sized sanitary sewer lines of eight inches minimum to dispose of sanitary wastes shall also be installed and connected with the city's sanitary sewer system, at the owner's expense. The developer shall furnish plans and profiles of the sanitary sewers, storm sewers and water lines to be dedicated to the city.

(Ord. No. 1970, § 1(m), 10-8-1973)

Sec. 9-38. - Building foundations.

The following requirements shall control new single-family developments:

- (1) The design of support on all bearing walls shall be footings drilled and reamed to boring clay.
- (2) The minimum nine-inch pier shall be reinforced with a minimum of three each one-half inch diameter steel rods, tied with #2's top, center and bottom.
- (3) Post-tension slab design is prohibited.
- (4) Minimum concrete requirements are five sacks of cement per cubic yard of ready-mixed concrete.

(Ord. No. 77-021, 4-4-1977; Ord. No. 85-043, § 15, 7-1-1985)

Sec. 9-39. - Additional requirements for new foundation construction.

- (a)

The provisions of this section shall be applicable only to new foundation construction and shall not be applicable or affect foundation construction which is either characterized as add-on and/or remodeling unless the addition is greater than 1,000 square feet or two stories in height.

(b)

Prior to the pouring of any concrete, a soil engineer shall inspect the compaction, fill thickness verification, drilled footings, concrete and all other areas deemed pertinent and shall carefully examine all of the pre-pouring work that has been accomplished. Excess soil produced during the excavation for foundation piers and grade beams shall be removed from the site within two weeks after placement of the concrete.

(c)

A soil compaction inspection and testing shall be performed and shall include some grade testing and fill thickness. All fill soils shall be tested in lifts.

(d)

A structural engineer shall review the initial soil engineer's report and design the foundation accordingly. The structural engineer shall further inspect the work that may be ongoing at any time and shall make as many inspections as necessary to ensure compliance with design criteria.

(e)

Prior to the start of any further construction, the soil engineer and structural engineer shall certify by letter to the City of Bellaire that the inspections as herein required have been made and, based upon the review of data, that the foundation as constructed and poured substantially conforms to the design and the intent of the soil exploration and foundation plan which has been submitted for a permit under other provisions of the Code of Ordinances of the City of Bellaire.

(f)

For any crawl space, no wood products are allowed within 18 inches of grade.

(g)

For any crawl space, a minimum of two drains are required inside pier and beam foundations to provide positive drainage. The drains are to be connected to the lot drainage system. This drain system shall be included in the required drainage plan.

(Ord. No. 97-027, § 39, 6-16-1997; Ord. No. 08-029, § 1(App. A), 6-16-2008)

Secs. 9-40—9-43. - Reserved

[Sec. 9-44. - Variances to division.](#)

- Sec. 9-45. - Size, weight restrictions.
- Sec. 9-46. - Permit required.
- Sec. 9-47. - Application for permit.
- Sec. 9-48. - Bond required.
- Sec. 9-49. - Permit fee.
- Sec. 9-50. - Issuance of permit.
- Sec. 9-51. - Effect of issuance.
- Sec. 9-52. - Contents.
- Sec. 9-53. - Transfer.
- Sec. 9-54. - Expiration.
- Sec. 9-55. - Display.
- Sec. 9-56. - Movement.
- Sec. 9-57. - Inspector.
- Sec. 9-58. - Prohibited acts.
- Sec. 9-59. - Violations.

Sec. 9-44. - Variances to division.

Notwithstanding the provisions of this division:

- (a) The furnishing of a bond and other formalities of this division, except the payment of a permit fee, shall not be required when the building to be moved contains not more than 250 square feet.
- (b) No fee shall be required from a public school district for a permit to move a public school building belonging to such district, but all other requirements of this division shall be met with reference to any such school building.

(Ord. No. 261, § 1, 8-30-1950; Ord. No. 1255, 5-7-1962)

Sec. 9-45. - Size, weight restrictions.

It shall be unlawful for any person to move any building on, along or across any street within the corporate limits of the city, any part of which is more than 18 feet above the surface of the roadway when loaded, any part of which is more than 30 feet wide horizontally, any part of which is more than 40 feet in length or if when loaded there is a load in excess of 10,000 pounds on any axle of the carrier, provided that buildings or parts of buildings not otherwise prohibited from being moved, may

be moved on Newcastle Drive, Avenue B, Mulberry Lane, South Rice Avenue, Chimney Rock Road, Bissonnet Street, I-610 East and West Service Roads or Bellaire Boulevard, if not in excess of 65 feet in length. No loaded carrier carrying any part of a building shall have more than three axles bearing on any bridge or culvert at any one time.

(Ord. No. 1034, § 1, 2-2-1959)

Sec. 9-46. - Permit required.

It shall be unlawful for any person to move any other building or part of a building on, along or across any street within the corporate limits of the city without a permit therefor.

(Ord. No. 1034, § 1, 2-2-1959)

Sec. 9-47. - Application for permit.

Any person desiring a permit required by the provisions of this division shall make written application therefor to the building official which shall contain the following:

- (a) The name of the applicant, and his residence and business address. If a partnership or association, the application shall state the names of all partners, their residence addresses and the office address of the partnership or association. If a corporation, the application shall state the names and residence addresses of all officers and directors and the principal office of the corporation.
- (b) That the applicant thoroughly understands the terms of this division and agrees to abide thereby and perform all things required of an applicant thereby.
- (c) The application shall be signed by the applicant if an individual, by a partner if a partnership, and by the president if an association or corporation.
- (d) A photograph of the building proposed to be moved shall be attached to and presented by the applicant with the application.
- (e)

The applicant shall also have made and attach to and present with the application, a plat showing the course in and/or through the city, which will be taken in moving said building.

(f)

The application shall also contain the street address or similar specific description of the location of the building proposed to be moved at the time application is made and a similar specific description of the proposed new location.

(g)

The exact date and time during which the building will be on any street or streets of the city.

(h)

The outside dimensions, including any projections of the building or portion thereof applicant desires to move, the greatest height above the surface of the roadway when loaded ready to move of such building or portion that the applicant desires to move, its weight, the weight of the moving apparatus, together with the number and location of its wheels and axles.

(i)

A statement that the applicant agrees to perform all the things required of the applicant by the terms of this division, and to pay to the city any and all damages to streets, curbs, gutters, waterlines, fire hydrants, and all other public property occasioned in any manner by the moving of such building, including, but not excluding anything else thereby, all costs and expense of removing or demolishing as the city council in its discretion may deem best, said building or any part thereof left on any part of a street, and to pay to the city if such building be removed to any location within the corporate limits, all costs and expense whatsoever caused by any failure of the applicant to cause such building and every part thereof to conform to the ordinances of the city within a reasonable time after being placed on its new location; and in this connection, such cost and expense shall include but not exclude anything else thereby, all cost and expense of making such building conform to the provisions of this Code and ordinances of the city, of removing such building from the city or to another location in the city, and/or of demolishing such building, the course of action to be taken in the event of any such failure being in the discretion of the city council. Said statement shall also agree to and each permittee is hereby required, at permittee's expense, within 72 hours after any building is moved from any premises in the city to:

(1) fill in all holes on said premises caused by permittee's operations; and (2) remove all debris left on said premises which was not present before permittee's operations began, and the city shall have the right to cause the same to be done upon permittee's failure to do so without anyway waiving any of its rights against permittee's bond, or to enforce the criminal provisions hereof by so doing, and any such expenses paid by the city shall be recoverable out of permittee's bond.

(Ord. No. 581, § 3, 7-21-1947; Ord. No. 1034, § 2, 2-2-1959; Ord. No. 1051, 6-1-1959)

Sec. 9-49. - Permit fee.

Before any permit shall be issued under the provisions of this division, the applicant therefor shall pay a fee as set forth by the City Manager; provided however:

(a)

No fee shall be required for a permit to move a public school building.

(Ord. No. 581, § 5, 7-21-1947; Ord. No. 261, § 1, 8-30-1950; Ord. No. 680, § 1, 5-3-1953; Ord. No. 1031, § 1, 1-19-1959; Ord. No. 1255, 5-7-1962; Ord. No. 86-078, § 4, 10-6-1986; Ord. No. 86-082, § 1, 10-20-1986)

Sec. 9-50. - Issuance of permit.

The building official shall examine the application for a permit required by the provisions of this division, the bond filed therewith, and the building or portion thereof desired to be moved, and if satisfied that:

(a)

The application and building complies with all applicable provisions of this Code and applicable city ordinances;

(b)

The surety or sureties on the bond are good and sufficient;

(c)

The route of moving selected is practicable and will cause less damage to property than any other;

(d)

No irreparable damage will be done; and

(e)

The issuance of a permit will not lead to the violation of this Code or any ordinance of the city;

he shall issue such permit to the applicant to move the building specified in the application on the route designated in the application upon payment of the required fee.

(Ord. No. 581, § 5, 7-21-1947; Ord. No. 1034, § 4, 2-2-1959)

Sec. 9-51. - Effect of issuance.

The acceptance by the applicant of a permit issued under the provisions of this division shall constitute a binding obligation and contract to perform the things imposed upon the applicant by this division, and the agreement specified in section 9-47(i) hereof.

(Ord. No. 581, § 5, 7-21-1947)

Sec. 9-52. - Contents.

Each permit issued under the provisions of this division shall show:

(a)

The name and address of the applicant;

(b)

The location of the building at the time of the application;

(c)

The proposed new location if within the city;

(d)

The exact date and time during which the building will occupy the street;

(e)

The size and type of construction of the building;

(f)

The receipt of the permit fee;

(g)

The date of issuance; and

(h)

It shall have attached a plat of the route of moving.

(Ord. No. 581, § 5, 7-21-1947)

Sec. 9-53. - Transfer.

Every permit issued under the provisions of this division shall be personal to the applicant and shall not be transferable.

(Ord. No. 581, § 5, 7-21-1947)

Sec. 9-54. - Expiration.

A permit issued under the provisions of this division shall expire at the expiration of 30 days after the date of issuance thereof.

(Ord. No. 581, § 5, 7-21-1947)

Sec. 9-55. - Display.

A permit issued under the provisions of this division shall be posted on the building to be moved on the outside in a conspicuous place, easily accessible for inspection.

(Ord. No. 581, § 5, 7-21-1947)

Sec. 9-56. - Movement.

During the entire time that any building being moved occupies any street or portion thereof, it shall be kept continuously in motion towards its destination.

(Ord. No. 581, § 6, 7-21-1947)

Sec. 9-57. - Inspector

(a)

The building official shall designate an inspector to go with the house or portion thereof being moved. The applicant shall deposit with the director of finance an amount established by the city manager pursuant to the provision of this chapter. Said amount shall be set based upon an estimate of likely damage to property of third parties and costs incurred by the city based upon usual rates of compensation, including overtime and other expenses necessitated for the services rendered by the inspector. The director of finance shall at the conclusion of the move or several moves contemplated, calculate all costs and expenses incurred by the city directly in relation thereto and reducing from the deposit the amount incurred by the city. If all damages have been paid, any unused balance shall be returned to the applicant. If, however, the deposit shall be insufficient to pay the expenses incurred, then upon demand and request, an additional deposit shall be made with the director of finance within ten days upon the request of the

director of finance. Failure to make a subsequent deposit within the ten day period as herein specified shall constitute a violation of this Code and may be prosecuted in accordance therewith.

(b)

It shall be the duty of such inspector to remain with the building or a portion thereof being moved at all times while it is being moved, and such inspector shall see that the provisions of this chapter, as well as all other provisions of the Code of Ordinances are complied with by the applicant and shall report to the building official all damages to public property caused by the moving of said building or portion thereof.

(Ord. No. 89-075, 12-4-1989)

Sec. 9-58. - Prohibited acts.

It shall be unlawful for any permittee engaged in moving a building:

(a)

To cut down any tree, shrub, bush or portion thereof without first having obtained written permission from the owner;

(b)

To disconnect any electric light connection, power connection, gas connection, water connection, sewer connection or telephone connection from any building to be moved without the consent of the owner of such connection;

(c)

To remove, tear down or destroy any pole, railing, fence, wire, or other property without the consent of the owner thereof;

(d)

To begin or complete the moving of any building onto any property in the city unless the permanent location and installation of such building on such property in all respects complies with the applicable provisions of this Code and ordinances of the city.

(Ord. No. 581, § 7, 7-21-1947)

Sec. 9-59. - Violations.

The issuance of a permit under the provisions of this division shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this division or of any other applicable provisions of this Code or ordinances of the city. No permit presuming to give authority to violate or cancel the provisions of this division or any other applicable provisions of this Code or ordinance of the city shall be valid, except insofar as the work it authorizes is lawful, and the

building official may at his option and the city council likewise revoke any such permit when any such provisions are being violated. Any such revocation shall not bar prosecution for the same offense.

(Ord. No. 581, § 8, 7-21-1947)

DIVISION 4. - DEMOLITION AND SALVAGE OF RESIDENTIAL STRUCTURES

Sec. 9-60. - Definitions.

Sec. 9-61. - Permit required.

Sec. 9-62. - Time period for permit.

Sec. 9-63. - Hours for work.

Sec. 9-64. - Posting of no trespassing signs.

Sec. 9-65. - Insurance and bond required.

Sec. 9-66. - HVAC systems.

Sec. 9-67. - Hazardous materials.

Sec. 9-68. - Donation of structure to fire department.

Secs. 9-69, 9-70. - Reserved.

Sec. 9-60. - Definitions.

As used in this division, the following terms shall have the definitions set out herein:

"Demolition contractor" means a party qualified and experienced to perform demolition work. Such party must provide proof of current general liability insurance coverage and post a \$1,000.00 performance bond. Salvage operations can be done by the demolition contractor or with an appropriate sub-contractor who has a contractual relationship to work under the main contractor's general liability insurance and performance bond.

"Permit holder" means the responsible party or entity who applies for and is issued the demolition/salvage permit. This party or entity is the single-point contact for the building official and is responsible for compliance with the provisions of this division.

"Salvage" means the controlled removal of materials from a residence being demolished, especially when such removal might create a safety hazard by removing materials inside or outside the structure.

"Whole house recycling" means the process of deconstructing a structure with the intent to repurpose the components into usable or marketable materials that would otherwise become solid waste.

(Ord. No. 07-026, § 1(App. A), 5-21-2007; Ord. No. 13-030, § 1, 7-1-2013)

Sec. 9-61. - Permit required. 

Prior to any demolition or salvage activities with respect to a residential property within the City of Bellaire, a permit must be issued in accordance with this division. Application for a demolition and salvage permit shall be made to the city building official on the form proscribed by the city building official. Only one person may apply for both demolition and salvage activities for a property. No demolition and salvage activities are authorized prior to the issuance of a permit by the city.

(Ord. No. 07-026, § 1(App. A), 5-21-2007)

Sec. 9-62. - Time period for permit. 

Once a demolition and salvage permit has been issued, all demolition and salvage activities for the property that is the subject of the permit must be completed within seven calendar days unless an extension no longer than 28 days is granted by the building official upon a showing of good cause. Situations warranting an extension may include but are not limited to whole house recycling projects or extended inclement weather. In the interest of safety, the building official may require additional measures, such as fencing, be taken in order for an extension to be granted.

(Ord. No. 07-026, § 1(App. A), 5-21-2007; Ord. No. 13-030, § 1, 7-1-2013)

Sec. 9-63. - Hours for work. 

Demolition and salvage activities must be conducted in a safe manner and may only be conducted between the hours of 7:00 a.m. and 7:00 p.m. in accordance with the requirements of approved permits. At the conclusion of each day of an active demolition and salvage permit, the person who applied for the permit shall secure any and all exterior openings in the structure, including windows and doorways, to discourage trespassing.

(Ord. No. 07-026, § 1(App. A), 5-21-2007)

Sec. 9-64. - Posting of no trespassing signs.

Upon issuance of a demolition and salvage permit, the person issued the permit must install at the property that is the subject of the permit an appropriate number of "No Trespassing" signs. A "No Trespassing" sign posted on each exterior wall of the structure is deemed an appropriate number of signs for purposes of this section. As soon as the "No Trespassing" signs are posted, the demolition/salvage contractor shall notify the Bellaire Police Department that such signs have been posted on the structure and that the structure has been approved for demolition and/or salvage operations.

(Ord. No. 07-026, § 1(App. A), 5-21-2007)

Sec. 9-65. - Insurance and bond required.

No demolition and salvage permit shall be issued unless the person seeking the permit provides proof of general liability insurance and posts a \$1,000.00 performance bond. Such performance bond must be renewed annually.

(Ord. No. 07-026, § 1(App. A), 5-21-2007)

Sec. 9-66. - HVAC systems.

No HVAC systems may be demolished or salvaged unless a licensed HVAC technician oversees the demolition or salvage of the HVAC system.

(Ord. No. 07-026, § 1(App. A), 5-21-2007)

Sec. 9-67. - Hazardous materials.

Any lead based paint, asbestos or other toxic or hazardous materials in a structure that is subject to a permit issued under this section must be handled and disposed of consistent with all applicable state, federal, and local laws.

(Ord. No. 07-026, § 1(App. A), 5-21-2007)

Sec. 9-68. - Donation of structure to fire department.

The donation of a structure for the use of the Bellaire Fire Department shall not be considered salvage within the meaning of this section, but rather shall be governed by separate agreement between the property owner and the city relating to the use of the structure and establishing minimum requirements relating to public safety.

(Ord. No. 07-026, § 1(App. A), 5-21-2007)

Secs. 9-69, 9-70. - Reserved

ARTICLE II-A. - FLOOD DAMAGE PREVENTION ^[2]

DIVISION 1. - STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

DIVISION 2. - DEFINITIONS

DIVISION 3. - GENERAL PROVISIONS

DIVISION 4. - ADMINISTRATION

DIVISION 5. - PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 9-70.1. - Statutory authorization.

The Legislature of the State of Texas has, in V.T.C.A., Water Code §§ 16.311— 16.319 delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council of the City of Bellaire, Texas, does ordain as set out in the following sections.

Sec. 9-70.2. - Findings of fact.

(a)

The flood hazard areas of the City of Bellaire are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b)

These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

Sec. 9-70.3. - Statement of purpose.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1)

Protect human life and health;

(2)


Minimize expenditure of public money for costly flood control projects;

- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure the potential buyers are notified that property is in a flood area.

Sec. 9-70.4. - Methods of reducing flood losses.

In order to accomplish its purpose, this article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Sec. 9-70.5. - Definitions. 

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

(1)

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

(Ord. No. 00-028, 4-17-2000)

(2)

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

(Ord. No. 00-028, 4-17-2000)

(3)

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this article or a request for a variance.

(4)

Appurtenant structure means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

(5)

Area of future conditions flood hazard means the land area that would be inundated by the one percent annual chance (100-Year) flood based on future conditions hydrology.

(6)

Area of shallow flooding means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(7)

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in

any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for the publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

(8)

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

(9)

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

(10)

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(11)

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

(12)

Development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(13)

Elevated building means a non-basement building: (i) built, in the case of a building in Zones A1-30, AE, A A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure members of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zones V1-30, VE, or V, "elevated building"

also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

(14)

Existing construction means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

(15)

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

(16)

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(17)

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a.

The overflow of inland or tidal waters;

b.

The unusual and rapid accumulation or runoff of surface waters from any source.

(18)

Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevation, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

(19)

Flood Insurance Rate Map (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(20)

Flood Insurance Study (FIS) is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

(21)

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of flooding).

(22)

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(23)

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

(Ord. No. 00-028, 4-17-2000)

(24)

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(Ord. No. 00-028, 4-17-2000)

(25)

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated

flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. The specialized flood modifying works are those constructed in conformance with sound engineering standards.

(26)

Floodway (regulatory floodway) means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(Ord. No. 00-028, 4-17-2000)

(27)

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(28)

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(29)

Historic structure means any structure that is:

(a)

Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b)

Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

(c)

Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(d)

Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved state program as determined by the Secretary of the Interior; or
- (2) Directly by the Secretary of the Interior in states without approved programs.

(30)

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(31)

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(32)

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking vehicles, building access or storage in an area other than the basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations. For residential structures without a basement, the lowest floor elevation shall be measured as follows: a) for concrete slab construction, the lowest floor elevation shall be measured by the surface of the lowest point on the exterior perimeter of the slab, excluding any ledges solely for the purpose of attaching a facade; and b) for crawl space (pier and beam) construction, the lowest floor elevation shall be measured by the top of the wood sub-flooring. For residential structures with a basement, the lowest floor elevation shall be measured by the top surface of the basement floor at the lowest point. For the purpose of this regulation, wine cellars and elevator pits are regarded as basements.

(Ord. No. 05-043, § 2, 7-11-2005)

(33)

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(Ord. No. 00-028, 4-17-2000)

(34)

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(35)

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(36)

New construction means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community.

(37)

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

(38)

Recreational vehicle means a vehicle which is (i) built on a single chassis; (ii) four hundred (400) square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(39)

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(40)

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(Ord. No. 00-028, 4-17-2000)

(41)

Structure means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

(42)

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

(43)

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety

code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a 'historic structure.'

(44)

Variance is a grant of relief to a person from the requirements of this article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this article. (For full requirements, see Section 60.6 of the National Flood Insurance Program regulations.)

(45)

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

(46)

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. No. 96-063, 11-4-1996; Ord. No. 00-028, 4-17-2000; Ord. No. 07-063, § 1(App. A), 11-5-07)

Sec. 9-70.6. - Lands to which this article applies. 

This article shall apply to all areas of special flood hazard within the jurisdiction of the City of Bellaire.

Sec. 9-70.7. - Basis for establishing the areas of special flood hazard. 

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for the City of Bellaire, Texas," dated June 28, 2007, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this article.

(Ord. No. 96-063, 11-4-1996; Ord. No. 00-028, 4-17-2000; Ord. No. 04-032, § 2, 6-7-2004; Ord. No. 07-063, § 1(App. A), 11-5-07)

Sec. 9-70.8. - Establishment of development permit. 

A development permit shall be required in the floodplain to ensure conformance with the provisions of this article.

(Ord. No. 07-063, § 1(App. A), 11-5-07)

Sec. 9-70.9. - Compliance. 

No structure or land shall hereafter be located, altered or have its use changed without full compliance with the terms of this article and other applicable regulations.

Sec. 9-70.10. - Abrogation and greater restrictions. 

This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 87-012, § 2, 3-30-1987)

Sec. 9-70.11. - Interpretation. 

In the interpretation and application of this Article, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 9-70.12. - Warning and disclaimer of liability. 

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will not be free from flooding or flood damages. This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

Sec. 9-70.13. - Designation of the floodplain administrator. 

The building official is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (National Flood Insurance Program regulations) pertaining to floodplain management.

(Ord. No. 87-012, § 3, 3-30-1987)

Sec. 9-70.14. - Duties and responsibilities of the floodplain administrator. 

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article;
- (2) Review permit applications to determine whether proposed building sites will be reasonably safe from flooding;
- (3) Review, approve or deny all applications for development permits required by adoption of this article;
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334) from which prior approval is required;
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretation;
- (6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is Texas Commission on Environmental Quality, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

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- (8) When base flood elevation data has not been provided in accordance with division 3, section 9-70.7, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from federal, state or other source, in order to administer the provisions of division 5;
- (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any one point within the community;
- (10) Under the provisions of 44 CFR chapter 1, § 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA.

(Ord. No. 87-012, § 4, 3-30-1987; Ord. No. 96-063, 11-4-1996)

Sec. 9-70.15. - Permit procedures. 

- (a) Application for a development permit in the floodplain shall be presented to the floodplain administrator on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
- (1) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
- (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
- (3)

A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of division 5, [section 9-70.18](#), subsection (2);

(4)

Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(5)

Maintain a record of all such information in accordance with division 4, [section 9-70.14](#), subsection (1).

(b)

Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:

(1)

The danger to life and property due to flooding or erosion damage;

(2)

The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3)

The danger that materials may be swept onto other lands to the injury of others;

(4)

The compatibility of the proposed use with existing and anticipated development;

(5)

The safety of access to the property in times of flood for ordinary and emergency vehicles;

(6)

The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(7)

The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(8)

The necessity to the facility of a waterfront location, where applicable;

(9)

The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(10)

The relationship of the proposed use to the comprehensive plan for that area.

(Ord. No. 87-012, § 5, 3-30-1987)

Sec. 9-70.16. - Variance procedures. 

(a)

The building and standards commission, as established by the City of Bellaire, shall hear and render judgment on requests for variances from the requirements of this article.

(b)

The building and standards commission shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement or administration of this article.

(c)

Any person or persons aggrieved by the decision of the building and standards commission may appeal such decision in the courts of competent jurisdiction.

(d)

The building official shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(e)

Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.

(f)

Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in [section 9-70.15](#), subsection (b) of this division have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(g)

Upon consideration of the factors noted above and the intent of this article, the building and standards commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (division 1, [section 9-70.3](#)).

(h)

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(i)

Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(j)

Prerequisites for granting variances:

(1)

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2)

Variances shall only be issued upon: (i) showing a good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, this Code or other ordinances.

(3)

Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(k)

Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that: (i) the criteria outlined in subsections (a) through (i) of this section are met, and (ii) the structure or

other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. No. 96-063, 11-4-1996)

Sec. 9-70.17. - General standards.

In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters; and
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. No. 87-012, § 7, 3-30-1987)

Sec. 9-70.18. - Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in division 3, [section 9-70.7](#), division 4, [section 9-70.14](#),

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subsection (8), or division 5, section 9-70.19, subsection (d), the following provisions are required:

(1)

Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated as a minimum, to one foot above the highest of the base flood elevation shown on the effective FIRM and the Flood Hazard Recovery Data Map. A registered professional engineer, architect or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection, as proposed in division 4, section 9-70.15, subsection (a)(1), is satisfied.

(Ord. No. 04-032, § 3, 6-7-2004)

(2)

Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot above the highest of the base flood elevation shown on the effective FIRM and the Flood Hazard Recovery Data Map or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

(Ord. No. 04-032, § 3, 6-7-2004)

(3)

Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and hydrostatic flood forces on exterior walls by allowing for the entry and exit by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a.

A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

b.

The bottom of all openings shall be no higher than four inches above grade;

(Ord. No. 05-045, § 2, 7-11-2005)

c.

Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(Ord. No. 00-028, 4-17-2000)

(4)

Manufactured homes.

a.

Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b.

Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites: (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c.


Require that all manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provision of subpart (4) of this section be elevated so that either:

(i) The manufactured home shall have the lowest floor elevated as a minimum, to one foot above the highest of the base flood elevation shown on the effective FIRM and the Flood Hazard Recovery Data Maps flood elevation, or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) *Recreational vehicles.* Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either: (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of article 4, section C(1), and the elevation and anchoring requirements for "manufactured homes" in subsection (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(Ord. No. 87-012, § 8, 3-30-1987; Ord. No. 96-063, 11-4-1996; Ord. No. 00-028, 4-17-2000; Ord. No. 07-063, § 1(App. A), 11-5-2007)

Sec. 9-70.19. - Standards for subdivision proposals. 

(a) All subdivision proposals including manufactured home parks and subdivisions shall be consistent with division 1, sections 9-70.2, 9-70.3 and 9-70.4 of this article.

(b)

All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet development permit requirements of division 3, [section 9-70.8](#), division 4, [section 9-70.15](#) and the provisions of division 5 of this article.

(c)

Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to division 3, [section 9-70.7](#) or division 4, [section 9-70.14](#), subsection (8) of this article.

(d)

All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e)

All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. No. 87-012, § 9, 3-30-1987)

Sec. 9-70.20. - Standards for areas of shallow flooding (AO/AH Zones).

Located within the areas of special flood hazard established in division 3, [section 9-70.7](#), the areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1)

All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified):

(2)

All new construction and substantial improvements of nonresidential structures:

a)

Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or

b)

Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy;

(3)

A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in division 4, section 9-70.15, subsection (a)(1), are satisfied;

(4)

Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

Sec. 9-70.21. - Penalties for noncompliance. 

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violations of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) per day for each violation, and in addition shall pay all costs and expenses involved in the case. Each day that a violation continues shall be considered a separate violation. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 00-028, 4-17-2000; Ord. No. 07-063, § 1(App. A), 11-5-2007)

ARTICLE III. - HOUSING, SUBSTANDARD HOUSING, AND OTHER SUBSTANDARD BUILDINGS 

[\[29\]](#)

Sec. 9-77. - Emergency procedure.

Sec. 9-78. - Civil penalties.

Sec. 9-79. - Reserved.

Sec. 9-80. - Liability of city.

Sec. 9-81. - Reserved.

Sec. 9-81a. - Notice of a proceeding before the building and standards commission.

Sec. 9-81b. - Authority concerning substandard buildings.

Sec. 9-81c. - Declaration of substandard building.

Sec. 9-82. - Powers and duties of the building official.

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Sec. 9-84. - Authority to secure substandard buildings which are unoccupied or where occupied by persons who do not have the lawful right of possession.

Sec. 9-85. - Standards for buildings subject to being secured as vacant or occupied by persons who do not have the lawful right of possession.

Sec. 9-86. - Notification required.

Sec. 9-87. - Hearing procedure.

Sec. 9-88. - Lien for expenses.

Sec. 9-89. - Nonexclusivity of remedy.

Sec. 9-90. - Reserved.

Sec. 9-77. - Emergency procedure.

(a)

When it shall appear that a building or structure in the city is a substandard building under the terms of this article and that such building or structure or the manner of its use constitutes an immediate and serious danger to life or property, the condition shall be deemed a condition justifying the use of emergency measures. In such case, the building and standards commission, a majority of the commissioners or the building official may, with the consent and approval of the city manager, order any of the following emergency measures to be taken:

(1)

Immediate vacation of such building, structure and/or adjoining buildings or structures;

(2)

Vacation of the danger area around such building or structure;

(3)

Such emergency shoring-up and bracing of walls, roofs and supports as are required to render such building or structure safe;

(4) Destruction of such walls, roofs and supports or the entire structure or so much thereof as cannot be braced or made secure with safety;

(5) Posting of notices on or near such building or structure or buildings or structures, notifying the public of such order and ordering all persons to keep out of such building, buildings, structure or structures and the areas of danger surrounding it or them.

(b) When any of the above-mentioned measures are ordered to be taken, notice of such order shall be given as follows:

(1) Such order shall be directed to the owner of such substandard building or structure or his authorized representative, if the same be known. Where notification can be accomplished without increasing the danger to life or property, notice shall be given by personal service on the owner of the building or structure or his said representative.

(2) In the event that such notification would create such a delay as would materially increase the danger to life or property, then such notice need not be given.

(c) If the owner or his representative shall fail or refuse to carry out such order or shall fail to carry out such order satisfactorily, the building and standards commission or the building official may, upon approval of the city manager, proceed to carry out such orders either by private contract or through an agency of the city, and the cost thus incurred shall constitute a valid lien against the property.

Sec. 9-78. - Civil penalties.

Failure to comply with the terms and provisions of any order of the building and standards commission or of the city council within the time specified shall constitute a violation of the Code of Ordinances of the City of Bellaire, of this section and of the requirements of law. Pursuant to the requirements of law, any owner, owner's representative or third party found by the building and standards commission, or by the city council upon appeal, to have control over any premises made the subject of any order of the commission or of the city council, shall be deemed to be in violation of the terms and provisions of said order and in violation of this Code if such person shall fail to take such action as is mandated or required by

said order; and upon the effective date of said order as set out therein, such person shall be subject to a civil penalty not to exceed \$1,000.00 per day for violation of this Code.

Sec. 9-79. - Reserved.

Sec. 9-80. - Liability of city.

Neither the city nor any authorized agent acting under the terms of this article shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this article.

Sec. 9-81. - Reserved.

Sec. 9-81a. - Notice of a proceeding before the building and standards commission.

In accordance with law, notice of a proceeding before the building and standards commission shall be given in the following fashion:

- (a) By certified mail, return receipt requested, to the record owners of the affected property and to each holder of a record lien against the affected property, as shown by the records in the office of the county clerk of Harris County, Texas, if the address of the lienholder can be ascertained from the deed of trust establishing the lien and/or other applicable instruments on file in the office of the county clerk.
- (b) To all unknown owners by posting a copy of the notice on the front door or each improvement situated on the affected property or as close to the front door as practicable.
- (c) The notice as herein required shall be mailed and posted on or before the tenth day before the date of the hearing before the commission and must state the date, time and place of hearing. In addition, the notice must be published in an official newspaper of the City of Bellaire as designated by the city council on one occasion on or before the tenth day before the date fixed for the hearing.
- (d) A notice may be filed as to a proceeding before the building and standards commission in the official public records of real property in Harris County. The notice must contain the name and address of the

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owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk, a legal description of the affected property and a description of the proceedings.

(Ord. No. 93-083, § 1, 12-20-1993)

Sec. 9-81b. - Authority concerning substandard buildings.

It is the intent of the city council of the City of Bellaire to grant to the building official as herein provided and the building and standards commission all authority concerning substandard buildings that is permitted or that is otherwise provided for under the laws of the State of Texas either in V.T.C.A., Local Government Code ch. 54 or ch. 214. In addition to other powers as may be granted to the building official and the building and standards commission in this Code of Ordinances of the City of Bellaire, Texas, it is specifically provided and authorized that the building official under the procedures as provided for in this Code and the building and standards commission in discharge of its statutory duties, responsibilities and obligations shall have the power by ordinance to require the vacation, relocation of occupants, securing, repair, removal, or demolition of a building, structure, improvement, or portion thereof, if such building, structure, or portion thereof is:

- (a) Dilapidated, substandard or unfit for human habitation and a hazard to the public health, safety and welfare;
- (b) Regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- (c) Boarded up, fenced or otherwise secured in any manner if:
 - (1) The building constitutes a danger to the public even though secured from entry; or
 - (2) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building by unauthorized persons or as provided for by law.

(Ord. No. 93-083, § 1, 12-20-1993)

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State law reference— Municipal authority concerning substandard building, V.T.C.A., Local Government Code § 214.001; additional authority to secure substandard building, V.T.C.A., Local Government Code §§ 214.0011, 214.0015.

Sec. 9-81c. - Declaration of substandard building.

The city council by ordinance in accordance with law declares substandard and not meeting the minimum standards as provided for by law any building which is deemed by the building official to be unfit for human habitation, does not have water and sewer service and is occupied either periodically or continuously by persons or because of other circumstances is in the opinion of the building official unsafe for human habitation and/or a threat to the health, safety and well-being of the residents, citizens and inhabitants of the City of Bellaire and/or a danger to adjacent property.

(Ord. No. 93-083, § 1, 12-20-1993)

Sec. 9-82. - Powers and duties of the building official.

The city manager shall designate a building official who shall perform such duties as directed by the city council of the City of Bellaire, the city manager and, by orders of the building and standards commission of the City of Bellaire, constituted and acting pursuant to the provisions of V.T.C.A., Local Government Code ch. 54, subchapter C thereof, relating to the quasi-judicial enforcement of health and safety ordinances of home-rule municipality.

The building official, in performance of the duties of said office, shall give such notices and shall take such actions as shall be from time to time provided for and directed by the Legislature of the State of Texas, as currently set out in the provisions of V.T.C.A., Local Government Code ch. 54 and subchapter C thereof, as well as any amendments and changes which shall be from time to time made.

(Ord. No. 89-047, § 3, 8-21-1989)

Sec. 9-83. - Additional authority of the building and standards commission.

The building and standards commission as created and provided for under the provisions of state law shall, in addition to the statutory duties and responsibilities, have such additional duties and responsibilities as shall be from time to time delegated to it by the city council of the City of Bellaire and shall, in addition, determine such issues and render decisions in accordance therewith as may be from time to time required of an appellate body, regardless of the name of designation provided in the various codes adopted by the city council of the City of Bellaire as a part of [chapter 9](#) of this Code and shall render decisions in accordance with the

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limitations, restrictions and provisions as provided for in this Code. In such cases, a simple majority of the members of the building and standards commission shall be sufficient to take action, unless by other law or ordinance a greater majority shall be required.

(Ord. No. 89-047, § 4, 8-21-1989)

Sec. 9-84. - Authority to secure substandard buildings which are unoccupied or where occupied by persons who do not have the lawful right of possession.

The City of Bellaire shall have the power as provided for by law to secure a building which violates the minimum standards for buildings as hereinafter provided when the same is unoccupied or occupied only by persons who do not have the lawful right of possession of the building and cannot demonstrate upon inquiry a lawful right to occupy from the owner thereof.

(Ord. No. 91-104, § 2, 12-16-1991)

Sec. 9-85. - Standards for buildings subject to being secured as vacant or occupied by persons who do not have the lawful right of possession.

Any building, house or structure or other enclosure possessing one or more of the following conditions shall be deemed subject to the provisions of this Code prohibiting occupancy of abandoned buildings. A building found in violation of this Code as herein provided may be secured if the same is unoccupied or occupied by persons who do not have the lawful right of possession of the building as granted to them by the owner if any of the following conditions exist:

- (a) Doors, windows or portions of the building are broken, open or in such state of repair or condition that they may be easily opened from the outside;
- (b) A building has a part or portion of its roof, walls, veneer or outside covering missing or so deteriorated that it is deemed not to be capable of withstanding rain or other natural elements;
- (c) Newspapers, debris, garbage or other refuse is stored or strewn about any part or portions of the building or areas adjacent thereto;
- (d) The building is alleged to be regularly used by persons who are suspected of criminal activity or who have been charged and

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convicted of criminal activity, or is a place where criminal acts have occurred or there is reason to believe that criminal acts have occurred that are in violation of the general laws of the State of Texas.

(Ord. No. 91-104, § 2, 12-16-1991)

Sec. 9-86. - Notification required.

On or before the 11th day after the date a building is secured in the City of Bellaire, the city manager or his designee shall give notice to the owner of said building as determined by the tax rolls furnished by the Central Appraisal District by personally serving the owner with written notice in a form as hereinafter provided or depositing the notice in the United States Mail, addressed to the owner at the owner's post office address or publishing the notice at least twice within a ten day period in a newspaper of general circulation in Harris County, if personal service cannot be obtained and if the owner's post office address is unknown. The notice required herein shall contain:

- (a) An identification of the street, name and address of the property on which the building is located;
- (b) A description of the violation of the provisions of the Code that exists within the building;
- (c) A statement as to when the City of Bellaire has secured the building;
- (d) An explanation that the owner is entitled to a hearing concerning any part of the action taken by the city in securing the building and that the hearing will occur before the building and standards commission and the procedure to be used by the building and standards commission in the hearing.

(Ord. No. 91-104, § 2, 12-16-1991)

Sec. 9-87. - Hearing procedure.

The building and standards commission shall conduct a hearing at which the owner may testify or present written information about any matter relating to the city's securing of the building allegedly unoccupied if the owner has filed a written request for hearing with the secretary of the building and standards commission.

The building and standards commission shall conduct a hearing within 20 days after the date of receipt of the request by the owner.

Any request for hearing shall be addressed to the secretary of the building and standards commission and delivered to the city hall of the City of Bellaire at 7008 South Rice Avenue, Bellaire, Texas 77401. The envelope shall be endorsed to state that a hearing is requested.

(Ord. No. 91-104, § 2, 12-16-1991)

Sec. 9-88. - Lien for expenses.

The city manager of the City of Bellaire, or his designee shall have the power to execute an affidavit specifying all expenses incurred by the City of Bellaire, and shall cause the same to be filed with the county clerk of Harris County, Texas, which shall affix a lien upon the property for costs incurred as a result of the action taken under the procedures as provided for under the provisions of sections 9-84 through 9-87 of the Code of Ordinances of the City of Bellaire, Texas, and said lien will have priority as to the time it is filed in relation to any other liens filed subsequently thereto.

(Ord. No. 91-104, § 2, 12-16-1991)

State law reference— Seizure and sale of property to meet expenses, V.T.C.A., Local Government Code § 214.004.

Sec. 9-89. - Nonexclusivity of remedy.

The provisions contained herein should not be interpreted as requiring the City of Bellaire to first proceed under any specific provision of the Code of Ordinances nor shall the same be deemed a waiver of any right to proceed under any other section of this Code. The city shall, however, have full right to exercise any and all rights and privileges granted under this Code or any other provisions of law and shall further have the option to exercise any other rights granted under this Code in conjunction with the remedies as herein specified.

(Ord. No. 91-104, § 2, 12-16-1991)

Sec. 9-90. - Reserved.

FOOTNOTE(S):

⁽²⁹⁾ *Editor's note— The basis of this article is Ordinance No. 86-026, § 1, 03-03-86; The name of this article was changed pursuant to Ordinance No. 91-104, § 1, duly passed and adopted on 12-16*

DIVISION 1. - GENERALLY

Attachment: 5 Ordinance Revisions-2013-2- with Fire Changes (1253 : Fire Sprinkler Requirements)

Sec. 9-91. - Code adopted.

Sec. 9-92. - Amendments.

Sec. 9-93. - Copper conductors.

Sec. 9-94. - Smoke detection systems.

Sec. 9-95. - Identification of vehicles.

Secs. 9-96—9-100. - Reserved.

Sec. 9-91. - Code adopted.

The current edition of the National Electrical Code, including all appendices, as adopted and published by the National Fire Protection Association and as certified by the building official of the City of Bellaire to the city clerk as herein provided, is hereby adopted as the electrical code of the city as to all its terms and provisions and made a part of this Code as if repeated verbatim herein, with the qualifications, exceptions and additions as may, from time to time, be set out in this Code.

The building official of the City of Bellaire shall, from time to time, file a certificate with the city clerk, certifying the current edition of the National Electrical Code, then in existence, for use in the City of Bellaire. Said certificate shall specify the edition, by date of publication, number or other designation, and shall specify that in accordance with the terms and provisions of this section, the same shall be deemed the electrical code of the City of Bellaire and shall be controlling as to all matters in relation thereto on a date certain as set out in said certificate, said date to be no sooner than 30 days after said certificate is filed with the city clerk of the City of Bellaire.

A copy of such certificate shall be attached to the original ordinance adopting this amendment to this section of the Code of Ordinances and shall be maintained in the official files of the City of Bellaire by the city clerk. All amendments to any prior editions of the electrical code as herein set out shall be deemed controlling as to the new edition unless the same shall have been repealed or otherwise amended by ordinance duly adopted by the city council of the City of Bellaire, amending the Code.

(Ord. No. 82-096, § 3, 11-15-1982)

Sec. 9-92. - Amendments.

The electrical code adopted by the provisions of this article is hereby amended, altered and changed as follows:

E3901.1. Section E3901.1 of the International Residential Codes is hereby amended by adding a new section thereto, numbered and reading as follows:

Section E3901.1a

Residential installations. In residential installations, not more than eight current-consuming receptacles per circuit shall be installed. Conductors for general wiring shall be No. 12 A.W.G. or larger wire. (Ord. No. 79-058, § 4, 9-17-1979; Ord. No. 80-002, 1-21-1980; Ord. No. 85-043, § 18, 7-1-1985)

220-13A. The Electrical Code is hereby amended by adding a new section thereto, numbered and reading as follows:

220-13A. Load Demand Factors. Total amperage load for circuits in commercial installations shall not exceed 80 percent of the rated current carrying capacity of conductor used. No. 14 A.W.G. may be used for control circuits. All other wiring to be No. 12 A.W.G. or larger wire.

All wiring in commercial buildings must be installed in rigid conduit, metal tubing, BX cable or IMC conduit.

The use of rigid or nonmetallic conduit for concealed work may be permitted by the building official upon finding of special facts warranting such use when such use shall not cause an unnecessary hazard. If flexible conduit is used (maximum six feet), a separate bonding conductor sized for the largest fuse for a conductor in that raceway shall be required.

In residential construction up to three stories with wood frame construction, the use of copper romex wire is permissible.

In underground services extended above ground, the extensions shall be rigid or IMC conduit. In subfeeder conduits to remote panels, sealtite flexible conduit with grounding may be used to facilitate installation not to exceed six feet in length.

All wiring in any commercial building must be in rigid metallic conduit, metal tubing, or other metallic raceway approved by electrical examining board for certain classes of construction, except wiring in one- and two-family dwelling units in zones where wood frame construction is permitted.

In underground services and feeders extended above ground, the extensions shall be rigid or IMC conduit.

Any change in the electrical service or change to new type of service will require approval by the Electrical Inspector before the electricity utility may connect new service.

A request for temporary service for construction or testing of equipment will not be issued without a release of liabilities to the City of Bellaire, the inspection department, and all inspection officials, this release to be executed by the owner and the general contractor in a form prescribed by the City of Bellaire. A copy of such form may be examined in the office of the city clerk of the City of Bellaire. (Ord. No. 79-058, § 4, 9-17-1979; Ord. No. 80-002, 1-21-1980; Ord. No. 85-043, § 20, 7-1-1985)

230-28. Section 230-28 of the Electrical Code is hereby amended to read as follows:

230-28. Service Masts as Supports. Where a service mast is used for the support of service-drop conductors, it shall be of adequate strength or be supported by braces or guys to withstand safely the strain imposed by the service drop. Where raceway-type service masts are used, all raceway fittings shall be approved for the purpose. The minimum size for service masts shall be two inches rigid or IMC steel conduit. (Ord. No. 79-058, § 4, 9-17-1979; Ord. No. 85-043, § 21, 7-1-1985)

230-42(a). Subsection (a) of Section 230-42 of the Electrical Code is hereby amended to read as follows:

(a)

General. Conductors shall be of sufficient size to carry the load as computed in accordance with Article 220. Ampacity shall be determined from Tables 310-15(B)(7) and 310-15(B)(16) through 310-15(B)(19) and all applicable notes to these tables. Service entrance conductors shall not be smaller than No. 2 A.W.G. with minimum 75° copper wire with 125 ampere capacity. Provisions shall be made to provide for additional load. (Ord. No. 79-058, § 4, 9-17-1979; Ord. No. 85-043, § 22, 7-1-1985)

E3601.6.2 of the International Residential Code is hereby amended to read as follows

E3601.6.2 Service disconnect Location

(a)

Single-family dwelling. A single main service disconnect and set of overcurrent devices, located on the exterior wall at an accessible height and location, shall be provided on all single-family dwellings. The service for single-family dwellings shall have a capacity of not less than 125 amperes. On three phase services, two main disconnects may be provided, one for the single phase load and one for the three phase load. On services of over 200 ampere capacity, a distribution panel may be provided with a maximum of six main disconnects.

This provision shall apply to all new buildings to be constructed and to all existing buildings when an additional load is added to existing wiring or equipment, for which a permit is required. (Ord. No. 85-043, [§ 23](#), 7-1-1985)

250.62. Section 250.62 of the Electrical Code is hereby amended by adding the following subsection:

Grounding rod electrodes. Electrode rods of galvanized steel or bonded copper, at least five-eighths inch in diameter of one-half inch copper rod, and not less than eight feet in length, shall be used for all service grounds. (Ord. No. 79-058, § 4, 9-17-1979; Ord. No. 80-002, 1-21-1980)

250-66(A) Section 250-66(A) of the Electrical Code is hereby by adding the following subsection:

(1)The size of the grounding electrode conductor of a grounded or ungrounded AC system shall not be less than No. 6 copper armored or No. 4 insulated.

(Ord. No. 79-058, § 4, 9-17-1979; Ord. No. 85-043, [§ 24](#), 7-1-1985)

Sec. 9-93. - Copper conductors.

All wiring shall be installed in copper wire. Aluminum conductors are permitted for conductors installed by the local energy provider.

(Ord. No. 85-043, § 26, 7-1-1985)

Sec. 9-94. - Smoke detection systems.

(a)

Definitions. As used herein, the following words and phrases shall have the meanings herein set out.

1.

Apartment complex is one or more structures containing five or more residential units which are on one contiguous tract of land under common ownership, where such residential units are leased or rented to separate families.

2.

Corridor is a passage connecting parts of a building and also shall mean a passage into which more than one room opens.

3.

Family is an individual or two or more persons related or unrelated by blood or marriage.

4.

Residential unit is a single-family dwelling, apartment, condominium, townhome or any other unit of one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family for the purpose of living, sleeping, cooking and eating.

5.

Separate sleeping area is any room which is designed with the intent that it be used for sleeping purposes.

6.

Smoke detector is a device which detects the visible or invisible products of combustion.

(b)

Residential units, installation requirements. At least one approved smoke detector shall be installed in each residential unit. One smoke detector shall be installed outside each separate sleeping area in the immediate vicinity of the bedroom except:

1.

The smoke detector shall be located inside the sleeping area rather than outside when the residential unit is designed with the intent that a single multi-purpose room be used for dining, living and sleeping purposes; and

2.

Only one smoke detector shall be required for bedrooms served by the same corridor, such smoke detector to be installed in the corridor in the immediate vicinity of the bedrooms;

3.

Where one or more sleeping areas are located on a level above the cooking and living area, the smoke detector for such sleeping area(s) shall be placed at the top of the stairway.

All smoke detectors required by this section shall be tested in accordance with and meet the requirements of U.L. 217 single and multiple station smoke detectors. They shall be installed in accordance with the manufacturer's recommendations unless such instructions conflict with the provisions of this article.

(c)

Residential units, duties of owner, lessee. Whenever a residential unit is rented, leased or sold, the owner of said unit shall insure that the smoke detectors required to be in such unit by this section are installed and that all smoke detectors in the unit are in proper working order at the time the lessee or purchaser takes possession. After a lessee has taken possession of a residential unit, it shall be the duty of the lessee to regularly test all smoke detectors in the unit, and the lessee shall notify the lessor immediately in writing of any problem, defect, malfunction or failure of any such smoke detector(s). Upon such notification by the lessee, or upon notification by an inspector of the City of Bellaire that a smoke detector in the residential unit is not in proper working order, the lessor shall have such smoke detector(s) repaired or replaced within seven days. However, it shall be a defense to prosecution under this subsection that the lessee has the responsibility of all repairs and maintenance of the premises under the terms of the rental or leasing agreement. If the terms of the rental or leasing agreement provide that the lessee has the responsibility of all repairs and maintenance of the premises, the lessee shall keep all smoke detectors in a residential unit in working order at all times.

(d)

Residential units, compliance with provisions. Each residential unit constructed prior to November 15, 1982, shall not be required to be in compliance with the provisions of subsections (b) and (c) prior to one year after the effective date of this section unless such residential unit is sold to a new owner prior to that date.

If a residential unit constructed prior to November 15, 1982, is sold to a new owner prior to one year after April 1, 1985, all provisions of subsections (b) and (c) shall be applicable to such unit on the date the sale is consummated.

Provided, however, residential units in an apartment complex constructed prior to November 15, 1982, shall not be required to be in compliance with the provisions of subsections (b) and (c) prior to the expiration of six months after the effective date of this amendment.

(e)

Hotels and motels, installation requirements. Every sleeping room in all hotels and motels and every dormitory sleeping room shall be provided with smoke detectors tested in accordance with and meeting the requirement of U.L. 217, "Single and Multiple Station Smoke Detectors." Smoke detectors required by this section shall be battery-powered, or be powered by an uninterrupted electrical circuit approved by the fire marshal. Smoke detectors shall be installed in accordance with the manufacturer's recommendations and listing.

(f)

Hotels and motels, compliance with the provisions of this section. Motels, hotels and dormitories constructed prior to November 15, 1982, shall not be required to be in compliance with the provisions of subsection (e) prior to 12 months after the effective date of this section.

(Ord. No. 85-043, § 27, 7-1-1985)

Sec. 9-95. - Identification of vehicles.

Each vehicle used in the performance of electrical work regulated by this Code shall have permanently affixed to the side thereof, the name and phone number of the licensee and the master license number, all in lettering of at least two inches high.

(Ord. No. 85-043, § 28, 7-1-1985)

Secs. 9-96—9-100. - Reserved.

FOOTNOTE(S):

⁽³¹⁾ *Editor's note— A previous amendment to Section 210-19(b) of the Electrical Code was deleted by Ordinance No. 85-043, § 17, 7-1-1985. [\(Back\)](#)*

⁽³²⁾ *Editor's note— Substitute Table 3A was deleted by Ordinance No. 85-043, § 25, 7-1-1985.*

DIVISION 2. - ELECTRICAL INSPECTOR

[Sec. 9-101. - Appointment.](#)

Sec. 9-102. - Qualifications.

Sec. 9-103. - Bond.

Sec. 9-104. - Removal.

Sec. 9-105. - Enforce code.

Sec. 9-106. - Scope of authority.

Sec. 9-107. - Authority of deputies.

Sec. 9-108. - Termination of service.

Sec. 9-109. - Dangerous conditions.

Sec. 9-110. - Interference.

Sec. 9-111. - Records.

Secs. 9-112—9-120. - Reserved.

Sec. 9-101. - Appointment. 

The positions of electrical inspector and deputy electrical inspector or inspectors in and for the city are hereby created, and said positions or so many as he deems necessary shall be filled by appointment by the city manager.

(Ord. No. 2135, § 1.4, 8-4-1975)

Sec. 9-102. - Qualifications. 

Persons appointed as electrical inspectors shall be competent to perform the duties assigned, and shall be well versed in all the provisions of this Code, city ordinances, rules and requirements of the city governing electrical matters.

(Ord. No. 2135, § 1.4, 8-4-1975)

Sec. 9-104. - Removal. 

Any person appointed electrical inspector, deputy electrical inspector or inspector may be removed from office by the city manager at any time with or without cause.

(Ord. No. 2135, § 1.4, 8-4-1975)

Sec. 9-105. - Enforce code. 

It shall be the duty of the electrical inspector and the deputy electrical inspector to enforce the provisions of this article or any ordinance or ordinances now in force or which may hereafter be adopted concerning electric equipment.

(Ord. No. 2135, § 1.4.4, 8-4-1975)

Sec. 9-106. - Scope of authority.

The electrical inspector is the administrative authority for the electrical code and shall have the responsibility for interpretation of the rules, for deciding upon the approval of equipment and materials, and for granting the special permission contemplated in a number of the rules.

(Ord. No. 2135, § 1.4.2, 8-4-1975)

Sec. 9-107. - Authority of deputies.

Each deputy electrical inspector shall in every case be known to be competent to discharge the duties assigned him by the electrical inspector, and the rights and privileges conferred upon the electrical inspector are hereby conferred upon each deputy inspector in so far as they are necessary to carry out the duties of the office.

(Ord. No. 2135, § 1.4.1, 8-4-1975)

Sec. 9-108. - Termination of service.

The electrical inspector or deputy electrical inspector shall have the power to at once cause the removal of all wires, or the turning off of all electric current where the circuits interfere with the work of the fire department during the progress of a fire.

(Ord. No. 2135, § 1.4.3, 8-4-1975)

Sec. 9-109. - Dangerous conditions.

Where electrical equipment is found in dangerous or unsafe condition, the electrical inspector shall notify the person owning, using or operating such equipment to place the same in a safe, secure and non-interfering condition. Any corporation, partnership, association or individual or agent thereof failing, neglecting or refusing within a reasonable time to make the necessary repairs or changes and have the necessary work completed within a reasonable time after the receipt of said notice, shall be deemed guilty of violation of this article, and every day which shall elapse after the expiration of said notice shall be deemed guilty of a violation of this article, and every day which shall elapse after the expiration of said reasonable time until said wires and apparatus are repaired, removed or changed as required by said electrical inspector, shall be considered a separate offense within the intent and meaning of this article.

(Ord. No. 2135, § 1.4.5, 8-4-1975)

Sec. 9-110. - Interference.

No corporation, partnership, association or individual, or agent thereof, shall interfere with the electrical inspector or with any person or persons deputized to assist him as hereinbefore provided, while in the performance of duty, and each such interference shall be deemed to constitute a separate offense within the intent and meaning of this article.

(Ord. No. 2135, § 1.4.6, 8-4-1975)

Sec. 9-111. - Records.

The electrical inspector shall cause to be kept a full and complete record of all work done, permits issued, or other official work performed as required by this article, and shall annually make a full and detailed report thereof to the city manager. Said record shall be so arranged as to afford prompt information concerning the condition and general arrangement of any electrical equipment at the time of the last visit of an electrical inspector.

(Ord. No. 2135, § 1.4.7, 8-4-1975)

Secs. 9-112—9-120. - Reserved.

DIVISION 3. - LICENSES

Sec. 9-121. - Required.

Sec. 9-122. - Issuance regulations.

Secs. 9-123—9-129. - Reserved.

Sec. 9-130. - Apprentices

Secs. 9-131—9-140. - Reserved.

Sec. 9-121. - Required.

All persons who engage in or work at the actual installation, alteration, repair and renovation of electrical equipment, except for those referred to in section 9-142(b), shall possess either a master or journeyman electrician's license or an apprentice registration card issued by the state, provided that a person holding an apprentice registration card may only engage in and perform such work under the direct visual supervision of a person holding a valid master or journeyman electrician's license.

(Ord. No. 82-095, § 1, 11-15-1982)

Sec. 9-122. - Issuance regulations.

Every license required by the provisions of this division shall be issued under, and subject to, the provisions of [chapter 20](#) of this Code.

Secs. 9-123—9-129. - Reserved. 

Sec. 9-130. - Apprentices 

Apprentice electricians shall register with the city. The fee for such registration shall be set by the City Manager, renewable on January 1 of the following year.

Secs. 9-131—9-140. - Reserved. 

DIVISION 4. - PERMITS AND INSPECTIONS 

- [Sec. 9-141. - Required.](#)
- [Sec. 9-142. - Issuance restricted.](#)
- [Sec. 9-143. - Application.](#)
- [Sec. 9-144. - Insurance required.](#)
- [Sec. 9-145. - Fees—Schedule.](#)
- [Sec. 9-146. - Fees—Double.](#)
- [Sec. 9-147. - Fees—Reinspection.](#)
- [Sec. 9-148. - Transfer.](#)
- [Sec. 9-149. - Expiration.](#)
- [Sec. 9-150. - Suspension.](#)
- [Sec. 9-151. - When inspections required.](#)
- [Sec. 9-152. - Concealment.](#)
- [Sec. 9-153. - Right of entry.](#)
- [Sec. 9-154. - Liability.](#)
- [Secs. 9-155—9-165. - Reserved.](#)

Sec. 9-141. - Required. 

No alterations, changes, upgrading, adjustments or any alterations of any nature shall be made to any portion of the equipment covered in this article, as stated in article 90-2(a) of the National Electrical Code without first securing a permit from the city for such work; nor shall any change be made in any equipment after its

inspection and approval by the electrical inspector without notifying the electrical inspector in writing and securing an additional permit as needed.

(Ord. No. 2135, § 3.1, 8-4-1975)

Sec. 9-142. - Issuance restricted.

Permits required by the provisions of this division shall be issued only to the following:

- (a) Any master electrician licensed by the state; or
- (b) Any homeowner who has demonstrated sufficient knowledge of the electrical code to the electrical inspector either by virtue of education and experience or by testing to assure the inspector he can perform the work according to the Code, may make application for a permit to do electrical work on his own residence or domicile, but not on other property owned by him in the city. For the purpose of this subsection, education and experience shall mean someone who has worked in the trade for three years and has followed a course of study designed to advance his skills as an electrician.

(Ord. No. 2135, § 3.3, 8-4-1975)

Sec. 9-143. - Application.

Those persons eligible to apply for electrical work permits shall make application to the electrical inspector, in writing, describing what equipment they wish to install or alter, providing plans and specifications as necessary to determine if the contemplated work will conform to the electrical code and to determine the fees for each permit. All applications for permits shall give the correct location of the work site, the name of the owner of the site or building and shall bear the signature of the applicant.

(Ord. No. 2135, § 3.2, 8-4-1975)

Sec. 9-144. - Insurance required.

No electrical permit shall be issued to any master electrician until he shall have arranged to carry the following insurance or, having been issued, may be revoked if such insurance is not kept in force:

- (a)

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Worker's compensation insurance on each and every one of his employees and this insurance shall be in accordance with the provision of the Worker's Compensation Act of the State of Texas;

(b)

Bodily injury liability insurance to the extent of \$300,000.00 for any one occurrence and \$300,000.00 in the aggregate;

(c)

Property damage insurance to the extent of \$100,000.00 for any one occurrence and \$100,000.00 in the aggregate; or a combined single limit of \$300,000.00 per occurrence and in the aggregate;

(d)

Such insurance shall be written by an admitted company under the supervision of the state board of insurance of the State of Texas.

Evidence of the compliance with the above insurance requirements shall be considered as having been met when the policy, a copy thereof or a certificate of insurance has been filed with and approved by the electrical inspector. Such policy shall include an endorsement thereon that the electrical inspector will be notified at least ten days in advance in the event the policy or policies are canceled or expire before the expiration date of the license.

(Ord. No. 2135, § 3.4, 8-4-1975; Ord. No. 85-043, § 31, 7-1-1985; Ord. No. 85-066, § 1, 10-21-1985; Ord. No. 87-007, § 3, 2-16-1987)

Sec. 9-145. - Fees—Schedule.

No permit shall be issued under the provisions of this division until the fees prescribed have been paid in full.

Sec. 9-146. - Fees—Double.

If any person shall make application for permit as provided herein, after the work has been started or after the work has been partially completed or concealed, such person shall pay double the fee or fees which would originally be required.

(Ord. No. 2135, § 3.8, 8-4-1975)

Sec. 9-147. - Fees—Reinspection.

In case it becomes necessary to make a reinspection of any work because of faulty materials or workmanship or incompleted work, the permittee shall pay for each reinspection if, in the judgment of the electrical inspector, the permittee was negligent in advising the inspector as to the status of the work.

(Ord. No. 79-058, § 6, 9-17-1979)

Sec. 9-148. - Transfer.

Each permit issued under this division shall be personal to the permittee. No such permit shall be assigned or transferred to another person and no person shall permit another person to obtain a permit in his name, or permit any electrical work to be performed under his permit by any person other than licensed journeyman electricians or apprentices working under the supervision of the master electrician permittee.

(Ord. No. 2135, § 3.6, 8-4-1975)

Sec. 9-149. - Expiration.

Every permit issued under the provisions of this division shall expire 180 days after the date thereof unless the work authorized by such permit shall have been commenced within such time; and every permit shall expire if the work authorized by such permit is suspended or abandoned for as long as 180 days after it has been commenced. In every case where a permit is permitted to expire, a new permit shall be obtained before any work is resumed.

(Ord. No. 2135, § 3.7, 8-4-1975)

Sec. 9-150. - Suspension.

Any person who shall willfully make any false statement in order to obtain a permit shall be guilty of a misdemeanor. Bad faith or unreasonable delay in the performance of electrical work shall be deemed a sufficient reason for subjecting the electrician so offending to a suspension of the permit and no further permit shall be issued until such act of bad faith or unreasonable delay has been corrected.

In cases such as this, the electrical inspector shall notify the permit applicant in writing of the permit suspension and the steps necessary to rescind the suspension.

(Ord. No. 2135, § 3.5, 8-4-1975)

Sec. 9-151. - When inspections required.

DIVISION 1. - GENERALLY

Sec. 9-166. - Purpose.

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Sec. 9-167. - Application.

Sec. 9-168. - Compliance.

Sec. 9-169. - Code adopted.

Sec. 9-170. - Amendments.

Sec. 9-171. - Sewers.

Sec. 9-172. - License and registration required.

Sec. 9-173. - License—When not required.

Sec. 9-174. - Identification of vehicles.

Sec. 9-175. - Miscellaneous registrations required.

Secs. 9-176—9-180. - Reserved.

Sec. 9-166. - Purpose.

For the purpose and preservation of life and of the public health, safety, property and the general welfare of the people, the following provisions are enacted relating to the installation, alteration or repair of pipes, fittings, and fixtures for water, sewage and natural gas in all buildings and structures and on all property now erected, changed, constructed, reconstructed, repaired or altered in the city, and outside the city, if same be connected to either the city water, gas or sewage systems. The intent and purpose of this article is to regulate systems. The intent and purpose of this article is to regulate the construction, erection, enlargement, alteration, maintenance or repair of all piping, fittings, fixtures, etc., used for the conduction of water, sewage and natural gas in or on and about any and all premises in the city, and outside the boundaries of the city, if same be connected to either the city water, gas or sewage systems.

(Ord. No. 2136, § 2.1, 8-4-1975)

Sec. 9-167. - Application.

(a)

This article shall apply to all plumbing as herein defined within the boundaries of the city.

(b)

This section shall not apply to that work done by authorized employees of the city in the laying of city water mains and services and city sewer mains and services nor to the installation of gas distributing mains and services in the streets and alleys by authorized employees of any gas distributing company.

(Ord. No. 2136, § 3, 8-4-1975)

Sec. 9-168. - Compliance.

It shall be unlawful for any person to engage in the business of plumbing, or do or perform any plumbing, without first having procured the necessary licenses and permits as hereinafter provided for, and all plumbing, plumbing work and workmanship and materials shall meet the requirements of this article and shall pass all inspections required in this article in regard to the work done.

(Ord. No. 2136, § 1.1, 8-4-1975)

Sec. 9-169. - Code adopted.

The current edition of the International plumbing code, including all appendices, as adopted and published by the International Code Council, Inc., and as certified by the building official of the City of Bellaire to the city clerk as herein provided, is hereby adopted as the plumbing code of the city for nonresidential construction as to all its terms and provisions and made a part of this Code as if repeated verbatim herein, with the qualifications, exceptions and additions as may, from time to time, be set out in this Code.

The building official of the City of Bellaire shall, from time to time, file a certificate with the city clerk, certifying the current edition of the International Plumbing Code, then in existence, for use in the City of Bellaire. Said certificate shall specify the edition, by date of publication, number or other designation, and shall specify that in accordance with the terms and provisions of this section, the same shall be deemed the plumbing code of the City of Bellaire and shall be controlling as to all matters in relation thereto on a date certain as set out in said certificate, said date to be no sooner than 30 days after said certificate is filed with the city clerk of the City of Bellaire.

A copy of such certificate shall be maintained in the official files of the City of Bellaire by the city clerk. All amendments to any prior editions of the plumbing code as herein set out shall be deemed controlling as to the new edition unless the same shall have been repealed or otherwise amended by ordinance duly adopted by the city council of the City of Bellaire, amending the Code.

(Ord. No. 01-100, § 2(9-169), 12-17-2001)

Sec. 9-170. - Amendments.

The plumbing code adopted by the provisions of this article is hereby amended, altered and changed in the following respects:

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702. Section 702 of the Plumbing Code is hereby amended to read as follows:

Drainage pipe shall be cast iron, galvanized steel, lead, copper, brass, PVC (Schedule 40) or other approved materials having a smooth and uniform bore, except that PVC installations shall be limited to residential and commercial construction not more than three stories in height. The use of PVC shall not be permitted above the ceiling in areas used for plenums.

702.3. Section 702.3 of the Plumbing Code is hereby amended to read as follows:

The building sewer, beginning two feet from any building or structure, shall be cast iron or PVC (Schedule 40).

704. Section 704 of the Plumbing Code is hereby amended by adding a new paragraph thereto reading as follows:

Installation of building sewers shall be made according to the following specifications:

INSTALLATION STANDARDS FOR BUILDING SEWERS

Cast Iron Building Sewers

Trench walls shall be as smooth and as straight as possible. Trench bottoms shall be gradually sloped so that the trench descends without high spots or bumps from the high point at the beginning of the building sewer to the low point at the city tap. One drop (using only one fitting) of not more than 45° shall be allowed. If necessary, excavated soil shall be added to the trench and compacted to provide the necessary smooth slope. Piping shall be supported along its entire bore by undisturbed soil or by adding compacted soil. Excavations shall be made to accommodate pipe hubs and fittings. A test tee shall be provided at the city tap and a clean-out shall be provided at the building drain, and as necessary in the run of the pipe according to Code requirements.

The installed line shall be water tested before it is covered. Prior to testing, the pipe shall be properly bedded in one-half its diameter, leaving the hubs and fittings clear so that leaks may be spotted when testing. The area around hubs and fittings shall be filled and compacted after the test is

complete. Fill dirt shall be clean and free of rocks, concrete, and other debris.

Schedule 40 PVC Building Sewers

Trench walls shall be as smooth and straight as possible. Trench bottoms shall be gradually sloped so that the trench descends without high spots or bumps from the high point at the beginning of the building sewer to the low point at the city tap. One drop (using only one fitting) of not more than 45 degrees shall be allowed. If necessary, excavated soil shall be added to the trench and compacted to provide the necessary smooth slope. The trench shall be filled with a minimum of one inch of clean bank sand before piping is placed in the trench. Piping shall be supported along its entire length by compacted bank sand. Excavations shall be made to accommodate pipe hubs and fittings. A test tee shall be provided at the city tap and a clean-out shall be provided at the building drain and as necessary in the run of the pipe according to Code requirements.

The installed line shall be water tested before it is covered. Prior to testing, the pipe shall be properly bedded to one-half its diameter with clean bank sand, leaving the hubs and fittings clear so that leaks may be spotted when testing. The area around hubs and fittings shall be filled with bank sand and compacted after the test is completed.

Testing Building Sewers

Building sewers shall be tested by filling the entire line with water to a height of four feet above the highest level of the line. A low pressure air test may be used with the permission of the administrative authority.

Section 704 of the Plumbing Code is hereby amended by adding thereto an additional section reading as follows:

704.5 PVC installation shall be limited to residential and commercial construction not more than three stories in height. The use of PVC shall not be permitted above the ceiling in areas used for plenums.

Sec. 9-171. - Sewers. 

(a)

All plumbing systems hereinafter installed shall conform with the provisions of the Code.

(b)

Every building in which plumbing fixtures are installed shall have a connection to a public sewer.

(c)

The drainage system of each new building and of new work installed in existing buildings shall be separate and independent from that of any other building and shall have an independent connection with a public sewer.

EXCEPTION: When one building stands in the rear of another building, on an interior lot and these buildings are on one parcel of land under one owner, then the building sewer shall be extended to serve the rear building.

(d)

A house sewer may not cross another lot unless an easement or right-of-way is provided to protect all property owners.

(Ord. No. 2136, § 1.5, 8-4-1975)

Sec. 9-172. - License and registration required.

All persons who engage in or work at the actual installation, alteration, repair and renovation of plumbing shall be authorized by the State of Texas to perform plumbing work. In addition thereto, prior to performing any such work within the corporate limits of the City of Bellaire, a plumbing contractor shall register with the city, which registration shall be valid for the duration of the calendar year in which it is issued.

(Ord. No. 87-066, § 1, 11-16-1987)

Sec. 9-173. - License—When not required.

The following acts, work and conduct shall be expressly permitted without license, provided they do not connect directly to city sanitary sewers or make excavations in city easements for that purpose:

(a)

Plumbing work done by a property owner in a building owned and occupied by him as his home.

(b)

Plumbing work done by anyone who is regularly employed as or acting as a maintenance man or maintenance engineer, incidental to and in connection with the business in which he is employed or

engaged and who does not engage in the occupation of a plumber for the general public; construction, installation and maintenance work done upon the premises or equipment of a railroad by an employee thereof who does not engage in the occupation of a plumber for the general public; and plumbing work done by persons engaged by any public service company in the laying, maintenance and operation of its service mains or lines and the installation, alteration, adjustment, repair, removal and renovation of all types of appurtenances, equipment and appliances; appliance installation and service work by an appliance dealer, and acting as an appliance installation man or appliance service man in connecting appliances to existing piping installations. Provided, however, that all work and service herein named or referred to shall be subject to inspection and approval in accordance with the terms of all local valid city municipal ordinances.

(Ord. No. 2136, § 5, 8-4-1975)

Sec. 9-174. - Identification of vehicles.

Each vehicle used in the performance of plumbing work regulated by this Code shall have permanently affixed to the side thereof, the name and phone number of the licensee and the master license number, all in lettering of at least two inches high.

(Ord. No. 85-043, § 36, 7-1-1985)

Sec. 9-175. - Miscellaneous registrations required.

(a) Prior to performing any work within the corporate limits of the City of Bellaire, any person engaging in the laying of storm drains shall register with the city and shall pay an annual approved registration, which registration shall be valid for the duration of the calendar year in which it is issued.

(b) Prior to performing any work within the corporate limits of the City of Bellaire, any person engaging in work as a lawn sprinkler or irrigation contractor shall register with the city and shall pay an annual approved registration fee, which registration shall be valid for the duration of the calendar year in which it is issued.

(Ord. No. 87-066, § 2, 11-16-1987; Ord. No. 87-072, § 1, 12-7-1987)

Secs. 9-176—9-180. - Reserved

(a)

Attachment: 5 Ordinance Revisions-2013-2- with Fire Changes (1253 : Fire Sprinkler Requirements)

All new electrical work, and such portions of existing equipment as may be affected by new work or any changes, shall be inspected to insure compliance with all the requirements of this article. It shall be the duty of the permittee to give reasonable advance notice to the electrical inspector when equipment is ready for inspection.

(b)

All materials and labor necessary for tests shall be furnished by the permittee.

(Ord. No. 2135, § 4.1, 8-4-1975)

Sec. 9-152. - Concealment.

No corporation, partnership, association or individual or agent thereof, shall hereafter conceal or cause to be concealed any electric wiring or apparatus mentioned in this article except with the express permission of an electrical inspector, and he is hereby authorized and directed to have removed any flooring, lathing or plaster, sheet metal or any other material which may conceal any electrical wiring or apparatus contrary to the provisions of this article. On completion of the inspection of any electric wiring or apparatus designed to be concealed and found to be in full compliance with the provisions of this article, it shall be the duty of an electrical inspector to post a notice to that effect at the main disconnecting means, or other conspicuous place, and said notice shall be considered as an express permission to conceal said electric wiring and apparatus but no concealment shall take place until such notice has been posted by an electrical inspector.

(Ord. No. 2135, § 4.2, 8-4-1975)

Sec. 9-153. - Right of entry.

The electrical inspector and/or any deputy electrical inspector shall have the right during reasonable hours to enter any building, manhole or subway in the discharge of his official duties and/or for the purpose of inspecting the electrical apparatus or appliances therein contained, and for that purpose he shall be given prompt access to all buildings, private or public, and to all manholes and subways on application to the company, firm or individual owning or in charge or control of same.

(Ord. No. 2135, § 4.3, 8-4-1975)

Sec. 9-154. - Liability.

This division shall not be construed to relieve from or lessen the responsibility of any party owning, operating or controlling any electric wiring, apparatus, devices, appliances, fixtures or equipment for damages to person or property caused by any defect therein, nor shall the city be held as assuming by this division any such liability

by reason of the inspection authorized herein, or the certificates of approval issued as herein provided, or otherwise.

(Ord. No. 2135, § 4.4, 8-4-1975)

Secs. 9-155—9-165. - Reserved.

DIVISION 2. - PLUMBING INSPECTOR

Sec. 9-181. - Office created, appointment.

Sec. 9-182. - Qualifications.

Sec. 9-183. - Bond.

Sec. 9-184. - Conflict of interest.

Sec. 9-185. - Powers, duties generally.

Sec. 9-186. - Termination of service.

Sec. 9-187. - Liability.

Sec. 9-188. - Right of entry.

Sec. 9-189. - Appeals.

Secs. 9-190—9-195. - Reserved.

Sec. 9-181. - Office created, appointment.

The office of plumbing inspector is hereby created to administer and enforce this article. The city manager shall appoint the plumbing inspector and any deputies necessary to aid him in the discharge of his duties.

(Ord. No. 2136, § 6.1, 8-4-1975)

Sec. 9-182. - Qualifications.

The person chosen to fill the office of plumbing inspector shall be of good moral character, shall be possessed of such executive ability, training and experience as is required for the performance of the duties of this office in the enforcement of this article, and shall hold and keep in force a plumbing inspector's license issued by the state board of plumbing examiners.

(Ord. No. 2136, § 6.1, 8-4-1975)

Sec. 9-184. - Conflict of interest.

The plumbing inspector shall not work for or be connected or associated with any master plumber, plumbing manufacturer or wholesale plumbing and supply company or do any plumbing work while employed as a plumbing inspector.

(Ord. No. 2136, § 6.2, 8-4-1975)

Sec. 9-185. - Powers, duties generally.

The duties of the plumbing inspector or deputy plumbing inspectors shall be to receive, approve and countersign either in person or by an authorized representative, all applications and collect all fees for permits to do plumbing, or make sewer connections in the city; also to personally inspect and pass on all plumbing work and sewer connections now in use or being constructed, or which may hereafter be constructed in the city, and to issue his certificate of approval thereof, if he shall approve the same, or, if he shall not approve the same, to direct, by written order, the owner or agent in charge of any building or premises, where imperfect plumbing, including water, sewer or gas piping, may be located, or the plumber in charge of such construction, to stop the use or construction of same until it shall have been properly repaired or constructed in accordance with the provisions of this article; to investigate all alleged violations of the plumbing ordinances; to file complaints against all persons who he may have reason to believe have violated any of the plumbing or sewer ordinances of the city. Deputy inspectors of plumbing shall perform all of the duties and when directed shall have all of the powers of the plumbing inspector.

(Ord. No. 2136, § 6.3, 8-4-1975)

Sec. 9-186. - Termination of service.

The plumbing inspector shall have the power and it shall be his duty, where any building, premises or construction contains improper or defective plumbing or where same has been constructed, erected, altered, or repaired without a permit as provided by this article, to give prompt written notification to the utility involved to cut off the water or gas supply thereto until such improper or defective plumbing shall be made to comply fully with the provisions of this article, and a certificate to the plumbing inspector shall have been issued.

(Ord. No. 2136, § 6.4, 8-4-1975)

Sec. 9-187. - Liability.

Where action is taken by the plumbing inspector to enforce the provisions of this article, such action shall be in the name of, and on behalf of, the city, and the inspector in so acting shall not render himself personally liable for any damage which may accrue to persons or property as a result of an action committed in good faith in

the discharge of his duties, and any suit brought against any inspector by reason thereof shall be defended by the city attorney until final determination of the proceedings contained therein.

(Ord. No. 2136, § 6.5, 8-4-1975)

Sec. 9-188. - Right of entry.

The plumbing inspector shall have the right to enter any building or premises at any reasonable time in the discharge of his official duties, or for the purpose of making any inspection, reinspection, or test required by this article.

(Ord. No. 2136, § 6.6, 8-4-1975)

Sec. 9-189. - Appeals.

(a) Any person aggrieved by any interpretation of this article or by any decision or ruling by the plumbing inspector under this article shall have the right to make an appeal to the city manager.

(b) Within a period of ten days from the filing of an appeal, the building and standards commission shall hear the appeal, together with the testimony of all parties concerned, and render a decision thereon within three days thereafter. In hearing such an appeal, the building and standards commission shall not have the power to waive or set aside the requirements of this article but shall have the power to interpret its provisions and in case of alternate types of construction or material, shall determine whether or not such alternate type of construction or material is, in fact, equal to the standards of this article, considering adequacy, stability, strength, sanitation and safety to the public health and welfare.

(Ord. No. 2136, § 6.7, 8-4-1975; Ord. No. 85-043, § 37, 7-1-1985)

Secs. 9-190—9-195. - Reserved.

DIVISION 3. - PERMITS AND INSPECTIONS

- [Sec. 9-196. - Required.](#)
- [Sec. 9-197. - When not required.](#)
- [Sec. 9-198. - Application.](#)
- [Sec. 9-199. - Issuance restricted.](#)
- [Sec. 9-200. - Insurance required.](#)

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Sec. 9-201. - Fees generally.

Sec. 9-202. - Double fees.

Sec. 9-203. - Reinspection fee.

Sec. 9-204. - Issuance.

Sec. 9-205. - Transfer.

Sec. 9-206. - Violations; suspension.

Sec. 9-207. - Expiration.

Secs. 9-208—9-210. - Reserved.

Sec. 9-196. - Required.

(a)

It shall be unlawful for any person to construct, install or cause to be installed any plumbing as defined herein without first securing a plumbing permit therefore except as otherwise provided in section 9-197

(b)

It shall be unlawful for any person to make any extension to any lines or pipes, using water from city water mains, whether within or without the corporate limits of the city, or to add any pipes or to change any pipes or lines from a water line, apartment, house, premises, or meter without first securing a permit for such changes except as otherwise provided in section 9-197

(c)

Permits and inspections shall be required for the replacement of water heaters.

(Ord. No. 2136, § 7.1.1, 8-4-1975)

Sec. 9-197. - When not required.

(a)

No plumbing permit is required to do minor repairs such as the maintenance, repair or replacement in kind of the following:

(1)

Yard hydrants and sill cocks;

(2)

Flush valves and float-balls in water closet tanks;

(3)

Accessible traps on lavatories or sinks;

(4)

Replacing of plumbing fixtures where no change in "roughing-in" is involved except replacement of water heaters.

(b)

The above examples are representative only and should not be considered as a limitation on the term "minor repairs."

(Ord. No. 2136, § 7.1.2, 8-4-1975)

Sec. 9-198. - Application.

All applications for plumbing permits shall give the correct location of the building, name of the owner of such building, and a complete statement of the work and fixtures to be installed. The plumbing inspector may require a complete plan of the work to be performed if considered necessary.

(Ord. No. 2136, § 7.1.3, 8-4-1975)

Sec. 9-199. - Issuance restricted.

Plumbing permits shall be issued under the provisions of this division only to the following:

(a)

Any master plumber licensed by the state board of plumbing examiners.

(b)

Any property owner for plumbing work to be done by him in a building owned and occupied by him as his home.

(c)

Any appliance dealer or employee of an appliance dealer who is acting as an appliance installation man or appliance service man in connecting appliances to existing piping installations.

(Ord. No. 2136, § 7.1.4, 8-4-1975)

Sec. 9-200. - Insurance required.

No permit shall be issued to any master plumber or appliance dealer until he shall have arranged to carry the following insurance or, having been issued, may be revoked if such insurance is not kept in force:

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(a)

Bodily injury liability insurance to the extent of \$300,000.00 for any one occurrence and \$300,000.00 in the aggregate;

(b)

Property damage insurance to the extent of \$100,000.00 for any one occurrence and \$100,000.00 in the aggregate; or a combined single limit of \$300,000.00 per occurrence and in the aggregate;

(c)

Such insurance shall be written by an admitted company under the supervision of the state board of insurance of the State of Texas.

Evidence of the compliance with the above insurance requirements shall be considered as having been met when the policy, a copy thereof or a certificate of insurance has been filed with and approved by the plumbing inspector. Such policy shall include an endorsement thereon that the plumbing inspector will be notified at least ten days in advance in the event the policy or policies are canceled or expire before the expiration date of the license.

(Ord. No. 2136, § 7.1.8, 8-4-1975; Ord. No. 85-071, § 2, 11-11-1985; Ord. No. 87-007, § 4, 2-16-1987)

Sec. 9-201. - Fees generally.

The plumbing permit and inspection fees shall be paid to the city before the issuance of a permit and before any work is started.

(Ord. No. 2136, § 7.2.1, 8-4-1975; Ord. No. 86-078, § 9, 10-6-1986)

Sec. 9-202. - Double fees.

If any work is started before the issuance of a plumbing permit, the fees shall be doubled.

(Ord. No. 2136, § 7.2.2, 8-4-1975)

Sec. 9-203. - Re-inspection fee.

If in the judgment of the plumbing inspector the plumber was negligent in calling for an inspection before work was ready or when work would not comply with the plumbing code, a re-inspection fee shall be charged.

(Ord. No. 2136, § 7.2.3, 8-4-1975)

Sec. 9-204. - Issuance.

The plumbing inspector or his designated representative shall issue all plumbing permits in accordance with the provisions and requirements of this article.

(Ord. No. 2136, § 7.1.3, 8-4-1975)

Sec. 9-205. - Transfer.

Each permit issued under this division shall be personal to the permittee. No such permit shall be assigned or transferred to another person and no person shall permit another person to obtain a permit in his name, or permit any plumbing or gas fitting work to be performed under his permit by any person other than a person authorized to do the same.

(Ord. No. 2136, § 7.1.5, 8-4-1975)

Sec. 9-206. - Violations; suspension.

Any person who shall willfully make any false statement in order to obtain a permit shall be guilty of a misdemeanor and subject to the penalty provided herein. Bad faith or unreasonable delay in the performance of plumbing work shall be deemed a sufficient reason for subjecting the plumber so offending to a suspension of the permit and no further permit shall be issued until such act of bad faith or unreasonable delay has been corrected.

(Ord. No. 2136, § 7.1.6, 8-4-1975)

Sec. 9-207. - Expiration.

Every permit issued under the provisions of this division shall expire 180 days after the date thereof unless the work authorized by such permit shall have been commenced within such time. Every permit shall expire if the work authorized by such permit is suspended or abandoned for as long as 180 days after it has been commenced. In every case where a permit is permitted to expire, a new permit shall be obtained before any work is resumed.

(Ord. No. 2136, § 7.1.7, 8-4-1975; Ord. No. 85-043, § 38, 7-1-1985)

Secs. 9-208—9-210. - Reserved

DIVISION 1. GENERALLY

[Sec. 9-211. Code adopted.](#)

[Sec. 9-212. Amendments.](#)

[Sec. 9-213. Approval certificates.](#)

[Sec. 9-214. Offenses.](#)

[Sec. 9-215. Identification of vehicles.](#)

[Sec. 9-216. Required records.](#)

[Secs. 9-217—9-220. Reserved.](#)

Sec. 9-211. Code adopted. 

The current edition of the International mechanical code, including all appendices, as adopted and published by the International Code Council, Inc., and as certified by the building official of the City of Bellaire to the city clerk as herein provided, is hereby adopted as the mechanical code of the city as to all its terms and provisions and made a part of this Code as if repeated verbatim herein, with the qualifications, exceptions and additions as may, from time to time, be set out in this Code.

The building official of the City of Bellaire shall, from time to time, file a certificate with the city clerk, certifying the current edition of the International Mechanical Code, then in existence, for use in the City of Bellaire. Said certificate shall specify the edition, by date of publication, number or other designation, and shall specify that in accordance with the terms and provisions of this section, the same shall be deemed the mechanical code of the City of Bellaire and shall be controlling as to all matters in relation thereto on a date certain as set out in said certificate, said date to be no sooner than 30 days after said certificate is filed with the city clerk of the City of Bellaire.

A copy of such certificate shall be maintained in the official files of the City of Bellaire by the city clerk. All amendments to any prior editions of the mechanical code as herein set out shall be deemed controlling as to the new edition unless the same shall have been repealed or otherwise amended by ordinance duly adopted by the city council of the City of Bellaire, amending the Code.

(Ord. No. 01-099, § 2(9-211), 12-17-2001)

Sec. 9-212. Amendments. 

The mechanical code adopted by the provisions of this article is hereby amended, altered and changed in the following respects:

106. Section 106 of the mechanical code is hereby amended to read as follows:

Sec. 106.5.2 Fee Schedule. Any person desiring a permit required by this Code shall, at the time of filing an application therefor shall pay a fee as set forth by the City Manager.

M1502. M1502.4.4 Duct Length of the mechanical code is hereby amended to read as follows:

(b)

Dryer vents shall exhaust to the outside and shall not exceed ten feet in length. There shall be a limit of two 90° bends, and flexible duct connectors shall not exceed six feet in length and shall not be concealed within construction.

(Ord. No. 01-099, § 3(9-212), 12-17-2001)

Sec. 9-213. Approval certificates.

(a)

Certificates of approval of the installation of mechanical equipment, or the alteration of any existing installation, shall be issued to the licensee upon request only when such work is installed or performed in accordance with the provisions of this Code.

(b)

Certificates of approval shall be issued by the building official or his authorized representative.

(c)

The certificate of approval shall state that it covers only work authorized by the city's permit issued for the installation or alteration of the mechanical equipment involved, and shall show the number of the permit authorizing the work to be done, the name of the owner and the contractor, the type of occupancy involved and the official street number.

(Ord. No. 2127, § 10, 7-21-1975)

Sec. 9-214. Offenses.

It shall be unlawful for any person who does not have a valid, unsuspended license issued under the provisions hereof to do or supervise the doing of any work or perform any service in the city that may be done or supervised only by a person duly licensed under the provisions of this article. Any person convicted of violating this provision shall not be entitled to receive a license authorized under any provision of this article for a period of one year from the date of such conviction.

(Ord. No. 2127, § 8(1), 7-21-1975)

Sec. 9-215. Identification of vehicles.

Each vehicle used herein shall have affixed to the side thereof the name and phone number of the licensee, in lettering at least two inches high.

(Ord. No. 2127, § 8(c), 7-21-1975)

Sec. 9-216. Required records.

Each time that a licensed air conditioning contractor, a licensed air conditioning repair contractor or his employee(s) do repair work of any type on any air conditioning, refrigeration, ventilation and/or heating systems, he shall make a record of such work. These records shall be readily available to authorized persons of the city, and records must be held on file for at least two years. Before leaving the premises, he shall deliver one copy of the record below to the owner, or the owner's representative. These records shall contain the following information:

- (a) Name and address of licensed contractor.
- (b) License number of licensed contractor.
- (c) Name of owner.
- (d) Address of premises served.
- (e) Date.
- (f) General nature of work performed.

(Ord. No. 2127, § 8(b), 7-21-1975)

Secs. 9-217—9-220. Reserved.

DIVISION 1. - GENERALLY

Sec. 9-263. - Code adopted.

Sec. 9-264. - Chlorine Gas.

Attachment: 5 Ordinance Revisions-2013-2- with Fire Changes (1253 : Fire Sprinkler Requirements)

Sec. 9-265. - Reserved.

Secs. 9-266, 9-267. - Reserved.

Sec. 9-263. - Code adopted. 

The current edition of the International Swimming Pool and Spa Code, including all appendices and as certified by the building official of the City of Bellaire to the city clerk as herein provided, is hereby adopted as the swimming pool code of the city as to all its terms and provisions and made a part of this Code as if repeated verbatim herein, with the qualifications, exceptions and additions as may, from time to time, be set out in this Code.

The building official of the City of Bellaire shall, from time to time, file a certificate with the city clerk, certifying the current edition of International Swimming Pool and Spa Code then in existence, for use in the City of Bellaire. Said certificate shall specify the edition, by date of publication, number or other designation, and shall specify that in accordance with the terms and provisions of this section, the same shall be deemed the swimming pool code of the City of Bellaire and shall be controlling as to all matters in relation thereto on a date certain as set out in said certificate, said date to be no sooner than 30 days after said certificate is filed with the city clerk of the City of Bellaire.

A copy of such certificate shall be attached to the original ordinance adopting this amendment to this section of the Code of Ordinances and shall be maintained in the official files of the City of Bellaire by the city clerk. All amendments to any prior editions of the swimming pool code as herein set out shall be deemed controlling as to the new edition unless the same shall have been repealed or otherwise amended by ordinance duly adopted by the city council of the City of Bellaire, amending the Code.

(Ord. No. 82-096, § 6, 11-15-1982)

Sec. 9-264. - Chlorine Gas. 

No chlorine gas shall be allowed within the residential areas of the City of Bellaire.

Sec. 9-265. - Reserved. 

(Ord. No. 89-071, § 5, 11-20-1989)

Secs. 9-266, 9-267. - Reserved

Attachment: 5 Ordinance Revisions-2013-2- with Fire Changes (1253 : Fire Sprinkler Requirements)

DIVISION 2. - ENCLOSURE

Sec. 9-268. - During construction—temporary fence required.

Sec. 9-269. - New construction—Fence required.

Sec. 9-270. - Existing pools—Fence required.

Sec. 9-271. - Swimming pool enclosures.

Secs. 9-272—9-299. - Reserved.

Sec. 9-268. - During construction—temporary fence required.

During construction of a pool, there shall be a minimum 6-foot high temporary wire mesh fence (or a permanent minimum 6-foot high wood fence or other permanent barrier) maintained around the pool area so as to form a secure enclosure around the pool area at all times. Stakes for a wire mesh fence shall be spaced no more than 8-feet apart and the openings in the fence shall not allow passage of a 4-inch diameter (102 mm) sphere. Alternatively, the pool can be completely covered during construction with a temporary deck. Such deck shall be constructed with a minimum of 2" x 6" framing covered with ½" plywood secured to the top of the framing.

(Ord. No. 08-030, § 1(App. A), 6-16-2008)

Sec. 9-269. - New construction—Fence required.

Any swimming pool constructed within the city limits of the city under the minimum dimensions and size as provided for in the swimming pool code, shall be enclosed by a fence not less than six feet in height, with a gate having a latching or locking mechanism.

Sec. 9-270. - Existing pools—Fence required.

All swimming pools located within the city limits of the city, which at the time of construction would have come under the terms and provisions of the swimming pool code had such code been in full force and effect, shall, within two years from the date of enactment of this Code, provide an enclosure for said swimming pool, being a fence of not less than six feet in height, with a gate and sufficient locking or latching mechanism.

Sec. 9-271. - Swimming pool enclosures.

(a)

Any property owner having a swimming pool shall be charged with the responsibility of maintaining the required fence as provided for under [section 9-269](#) and [section 9-270](#) in good repair. If the Building Official of the City of Bellaire finds and determines that a fence is in need of repair, he or his authorized agent may enter upon the property where such swimming pool is located and may repair, replace, secure or otherwise remedy any enclosure or fence that is damaged, deteriorated, substandard, dilapidated, or otherwise in a state that poses a hazard to the public health, safety and welfare.

(b)

Unless in the case of an emergency or matter of urgent public necessity, the building official shall give notice to the property owner and an opportunity to be heard in accordance with the provisions of the laws of the State of Texas and of this Code. The City of Bellaire may provide for the repair, replacement, securing or remedying and enclosure or a fence of a swimming pool determined to be in violation of [section 9-269](#) and [section 9-270](#) of this Code.

(c)

If the City of Bellaire incurs expenses in requiring compliance of the provisions of [section 9-269](#), [section 9-270](#) and [section 9-271](#) of the Code of Ordinances, the City of Bellaire may assess and shall have a lien against the property on which the swimming pool and the enclosure or fence is situated. The lien shall be satisfied if the property owner or other person having an interest in the legal title to the property reimburses the City of Bellaire for all expenses incurred.

(d)

The lien as herein provided attaches to the property upon which the work is completed, and the building official and the city clerk are authorized to file an appropriate lien in the office of the county clerk of Harris County, Texas. The lien notice must contain the name and address of the owner of the property, if that can be determined, a legal description of the real property on which the swimming pool or the enclosure or fence is situated, the amount of expense incurred by the City of Bellaire and the balance due. The lien as herein provided is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property to which the City of Bellaire's lien attaches.

(e)

The building official or other person authorized by the building official may, under the authority as provided for under V.T.C.A., Local Government Code

§ 214.101, enter any unoccupied premises at any reasonable time to inspect, investigate or enforce the powers granted herein.

(f)

In the event the premises are occupied, the building official or his designee shall first give 24 hour notice to the occupant and may after having given such notice enter upon the premises to inspect, investigate, or enforce the powers granted by the provisions of this Code.

(g)

The provisions as contained herein shall be in addition to such other powers as may be from time to time exercised by the building official or other officer of the city in addressing conditions which are inherently dangerous and contrary to the health, safety and well-being of the residents, citizens and inhabitants of the city.

(Ord. No. 93-084, §1, 12-20-1993)

Secs. 9-272—9-299. - Reserved.

ARTICLE IX. - HOUSE LEVELING

Sec. 9-300. - License and permit requirements.

Sec. 9-301. - Insurance.

Sec. 9-302. - Plans and specifications.

Sec. 9-303. - Acceptance or rejection of work.

Sec. 9-304. - Mandatory requirements for plans and specifications and/or work performed under this Code.

Sec. 9-305. - Remedies.

Secs. 9-306—9-319. - Reserved.

Sec. 9-300. - License and permit requirements.

(a)

Any person who engages in the business of drilling footings, shafts, inserting concrete, using concrete blocks for leveling or mud jacking for the purposes of leveling, attempting to level or altering the level of a foundation or other supporting member or part of a member of a house or other structure, shall, prior to performing any work within the corporate limits of the City of Bellaire, obtain a license from the city. Application for such license shall be made in a form prescribed by the city; and if an applicant shall meet all criteria established by the city for the issuance of such license, then, upon payment

of an annual license fee by the applicant, the city shall issue such license. A license issued hereunder shall expire on September 30 next following either the issuance or renewal thereof. Licenses may be renewed by payment of the annual license fee on or before October 1 of each year.

(b)

In addition to the license herein required, prior to performing work within the city, the licensee shall further obtain a permit therefore, which permit shall be issued upon the payment of a permit fee, if it appears that the plans and specifications filed, as herein provided, comply with the terms and provisions of this article. Such permit fee shall be paid in addition to any other fees that may be required by this Code prior to the issuance of such a permit.

(Ord. No. 86-078, § 12, 10-6-1986; Ord. No. 87-066, § 4, 11-16-1987)

Sec. 9-301. - Insurance.

No permit to do work under the terms and provisions of this article shall be issued to any person until the applicant therefore shall submit to the building official of the City of Bellaire the following good and sufficient policy or policies of insurance.

(a)

Bodily injury liability insurance to the extent of \$300,000.00 for any one occurrence and \$300,000.00 in the aggregate;

(b)

General property damage insurance providing general liability coverage, including coverage as to injury to city facilities and property, to the extent of \$100,000.00 for any one occurrence and \$100,000.00 in the aggregate, or a combined single limit of \$300,000.00 per occurrence and in the aggregate.

Such insurance policy shall be issued and effective prior to the commencement of work under the permit, and the term thereof shall not expire until one year from the date the work contemplated herein has been finally inspected and approved by the building official of the City of Bellaire or the date the work has been finally completed, whichever occurs last.

(c)

Such insurance shall be written by an admitted company under the supervision of the state board of insurance of the State of Texas.

Evidence of the compliance with the above insurance requirements shall be considered as having been met when the policy, a copy thereof or a certificate of

insurance has been filed with and approved by the building official. Such policy shall include an endorsement thereon that the building official will be notified at least ten days in advance in the event the policy or policies are canceled or expire before the expiration date of the permit. Any permit issued hereunder may be revoked if such insurance is not kept in force.

(Ord. No. 87-066, § 5, 11-16-1987; Ord. No. 87-072, § 2, 12-7-1987)

Sec. 9-302. - Plans and specifications.

When a person requests a permit under this article, two copies of the engineered plans or specifications, which shall reveal the dimensions of the house or building and the portions of the house or building requiring leveling, shall be submitted to the building official. One copy of such plans or specifications shall be returned when the permit is issued. The plans and specifications must show full compliance with the terms and provisions of this article and all of the requirements as herein provided.

Sec. 9-303. - Acceptance or rejection of work.

The building official may conduct periodic inspections of the work to determine compliance with the terms and provisions of this article, and shall inspect the bell and hole prior to casting concrete. Prior to the completion of the work, the building official shall perform a final inspection. The building official shall require precise adherence to the terms and provisions of this article and the plans and specifications, and no variation or deviation from the plans and specifications shall be permitted unless a new permit is obtained for such change.

Sec. 9-304. - Mandatory requirements for plans and specifications and/or work performed under this Code.

- (a) Drilled footings shall be no smaller than nine inches in diameter and belled to a minimum of 20 inches.
- (b) All nine inch shafts shall contain two no. 4 reinforcing bars to within four inches of the bottom of the belled area.
- (c) All 12 inch shafts shall contain three no. 4 reinforcing bars to within four inches of the bottom of the belled area.
- (d)

Attachment: 5 Ordinance Revisions-2013-2- with Fire Changes (1253 : Fire Sprinkler Requirements)

- Spread footings over drilled footings shall be to a minimum of 30 inches by 30 inches.
- (e) Ready-mixed concrete shall be used, with a minimum of five sacks of cement to one cubic yard of concrete.
- (f) Drilled footings should be spaced to a maximum of eight feet on center for one story frame construction and six feet on center for single story brick or two story construction.
- (g) If a concrete block is used in conjunction with the steel spacers and/or the leveling jack, the concrete block shall be a minimum of eight inches by eight inches by 12 inches with sand and gravel composition with a minimum compressive strength of 3,000 pounds per square inch (psi).
- (h) Any contemplated methods utilizing mud jacking, double drilled shafts, soil neutralizing agents, friction piers or other techniques shall be noted at the time of the plan submission and shall be set out on the plans.

Sec. 9-305. - Remedies.

In addition to the remedies as herein set out, in the event the building official shall at any time determine that the work herein performed or being performed is not in compliance with the terms and provisions of this Code, the building official may require such remedial work as may be deemed necessary and may, in addition, require the person performing the work to pay additional fees or other costs that might be reasonably incurred by the city for additional inspections and may, in addition, revoke the permit as herein required, stop all work in progress and require a new permit to be issued prior to any further work being completed.

Secs. 9-306—9-319. - Reserved.

FOOTNOTE(S):

⁽³⁷⁾ *Editor's note— The basis of this article is Ordinance No. 84-003, § 1, 1-16-1984. [\(Back\)](#)*